

Filed November 12, 1975
2:00 pm O. J. Paul
PI 11

STATE OF WISCONSIN

DEPARTMENT OF PUBLIC INSTRUCTION

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Dr. Barbara Thompson, State Superintendent of Public Instruction and custodian of the official records of said department, do hereby certify that the annexed rules relating to the provision, as an integral part of free public education, special education sufficient to meet the needs and maximize the capabilities of all children with exceptional educational needs, were duly approved and adopted by this department on November 12, 1975.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Public Instruction at 126 Langdon Street in the city of Madison, this 12th day of November, A.D. 1975.

Barbara Thompson
Barbara Thompson, Ph.D.
State Superintendent

ORDER OF THE DEPARTMENT OF PUBLIC INSTRUCTION
ADOPTING RULES

Pursuant to authority vested in the Department of Public Instruction by Chapter 115, Wis. Stats., the State Superintendent hereby adopts rules as follows:

Sections PI 11.01, PI 11.02, PI 11.03, PI 11.04, PI 11.05, PI 11.06, PI 11.11, PI 11.12, PI 11.13, PI 11.14, PI 11.15, PI 11.18, PI 11.19, PI 11.20, PI 11.21, PI 11.22, PI 11.23, PI 11.24, PI 11.25, PI 11.26 and PI 11.27 of the WISCONSIN ADMINISTRATIVE CODE are adopted to read:

(Attached please find the text of these sections)

The rules contained herein shall take effect upon publication in the Administrative Register pursuant to authority granted by section 227.026(1)(b).

Dated: November 12, 1975

Department of Public Instruction

Barbara Thompson
Barbara Thompson, Ph.D.
State Superintendent

PI 11.01 Definitions.

(1) Legislative intent. The legislature recognized that many children and youth, 3 to 21 years of age, have not experienced appropriate educational opportunities because comprehensive services were not available through all public schools which were commensurate with their EEN. Subchapter IV, chapter 115, Wis. Stats. was enacted to ensure the identification of such needs and the development of services for children to appropriately serve these needs.

(2) Basic tenets.

(a) All children and youth in the public and private sectors, who are in need of special education services, shall be identified. The legislature has specified that the identification process shall include screening, referral and M-team procedures.

(b) Section 115.76 (3), Wis. Stats. defines children and youth with EEN as: "'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. Children with the following conditions, in addition to children with such other conditions as the state superintendent determines, may require educational services to supplement or replace regular education:

- (a) Physical, crippling or orthopedic disability.
- (b) Mental retardation or other developmental disabilities.
- (c) Hearing impairment.
- (d) Visual disability.
- (e) Speech or language disability.
- (f) Emotional disturbance.

(g) Learning disability.

(h) Pregnancy, including up to 2 months after the birth of the child or other termination of the pregnancy.

(i) Any combination of conditions named by the state superintendent or enumerated in pars. (a) to (h)."

(c) Children and youth with no EEN who require alternative educational programming shall not be included within the parameters of section 115.76 (3), Wis. Stats. EEN excludes conditions described as special educational needs (SEN) resulting primarily from poverty, neglect, delinquency or cultural or linguistic isolation from the community at large.

(d) The department shall utilize the U.S. office of education incidence rate of 10-12% of the district population as having EEN since this rate is comparable to experience with incidence findings in Wisconsin. The division shall continue to utilize this estimate for program and fiscal planning and for monitoring attainment of legislative goals. Exceptions to this overall incidence limitation and to incidence rates for individual program areas shall require local district provision of M-team evidence which clearly demonstrates incidence rates which exceed state and national norms. This may be accomplished by department staff conducting an on-site review. This evidence shall be submitted and approved by the division prior to program expansion in excess of state norms.

(e) The broad process of referrals, obtaining parental approvals, the M-team action and board placement recommendations shall be included in the district's plan (section 115.85 (3), Wis. Stats.). This plan and procedures for its implementation shall include timelines for mass screening, parental approvals, referral, the M-team process and board recommendations on placement.

(f) Definitions of terms utilized in the rules.

1. Administrator means school district administrator.
2. Behavioral records means those pupil records defined in section 118.125 (1) (b), Wis. Stats. including psychological tests, personality evaluations, records of conversations, any written statement concerning a child's behavior, achievement or ability tests, physical health records and any other pupil records which are not progress records.
3. Board means school board.
4. Boarding home means homes operated by an LEA operating special education programs or services, or both, and used 5 days a week to care for non-resident children being served in that program or service.
5. Days means calendar days unless otherwise specified.
6. CESA means cooperative educational service agency.
7. CHCEB means county handicapped children's education board.
8. Child advocate means any person representing the parent during the M-team process and at a board hearing.
9. Child study team and pupil services team means a team, other than the M-team, of professional support personnel in the district.
10. Cooperative agreement, 66.30 means special education programs operated by 2 or more districts or CHCEBs under a cooperative agreement as provided in section 66.30, Wis. Stats.
11. Department means department of public instruction unless otherwise specified.
12. Director means a Wisconsin level A-certified director of special education.
13. District means school district of residence unless otherwise specified.
14. Division means division for handicapped children unless otherwise specified.

15. EEN means exceptional educational needs as defined in section 115.76 (3), Wis. Stats.

16. Full-time means that the person is employed for a full day of employment, 5 days a week.

17. Half-time means that the person works half-time in terms of hours.

18. Hearing means an official private or public proceeding conducted by a board or a hearing officer. It shall be conducted according to the procedures contained in PI 11.06.

19. Hearing officer means a person appointed by the board to conduct the hearing according to the procedures contained in PI 11.06.

20. LEA means a local educational agency, including a district, CESA or CHCEB operated by public schools.

21. Level A license means a Wisconsin special education administrative license.

22. Level B license means a Wisconsin special education administrative license.

23. Local, in terms of program placement, means not only the resident district, but programs in adjoining districts, CESAs, CHCEBs and the state residential schools.

24. M-team means multidisciplinary team.

25. Non-EEN means non-exceptional educational needs, e.g., needs which are not exceptional as defined in section 115.76 (3), Wis. Stats.

26. Notice means written notice sent by mail which shall be complete upon mailing.

27. Parent includes the term legal guardian and the plural of each where applicable.

28. Personnel/program criteria means those criteria utilized by the department and required for reimbursement.

29. Program designee means the person designated by the board to administer and coordinate all elements of programs and services for children with EEN. This person does not hold a level A or level B license.

30. Program unit means a certified special education teacher with an enrollment list of children having EEN as defined in section 115.76 (3), Wis. Stats.

31. Superintendent means the Wisconsin superintendent of public instruction.

32. Supervisor means a person who has a level A or level B special education administrative license.

PI 11.02 Referral and screening.

(1) Referral.

(a) Purpose. The individual report required by section 115.80 (1), Wis. Stats. shall provide for the identification of those children with suspected EEN:

1. Children who were not previously known to school authorities.
2. Children who were not identified through the screening process.
3. Children whose EEN developed after continued enrollment in school.

(b) District referral responsibility. Each district shall establish a written procedure to expedite referrals from parents and other persons as provided in section 115.80 (1), Wis. Stats. These procedures shall be included in the overall written district plan for the education of children with EEN and shall include the following:

1. The administrator shall inform those persons described in section 115.80 (1) (a), Wis. Stats. of referral and M-team procedures attendant upon this law. This may be accomplished through the use of radio announcements, newspaper or newsletter articles, etc.

a. If referrals are made to the division, division staff shall communicate with the person making reports and shall provide information relating to M-team procedures and the contact persons in their respective districts for reporting children with suspected EEN pursuant to section 115.80 (1) (a), Wis. Stats.

b. Before a referral is made, parents shall be informed. Persons described in section 115.80 (1) (a) shall document, in writing to the board, the manner in which the parent was informed. If the parent makes a referral, the district shall note the date on which the referral was made for inclusion as part of the official hearing record.

2. Inservice programs shall be developed for certified district professional employes, pursuant to section 115.80 (1) (b), Wis. Stats., to familiarize them with behavioral descriptors which, in terms of frequency, chronicity or severity might indicate an EEN. These employes shall be furnished with information concerning current referral procedures.

a. Certified district professional employes making a referral shall send to the child's parent a notice informing the parent that a report will be made to the board.

3. The referral procedure shall clearly distinguish between suspected EEN and suspected non-EEN in order to avoid the need for M-team consideration of every school-related problem. Where there is not a reasonable basis to believe that a child has EEN, the child shall be referred to child study or

pupil services personnel as a child with suspected non-EEN. Should the child appear to have EEN during the child study or pupil service personnel's involvement with the child, these personnel or other personnel shall refer that child for suspected EEN.

4. If a single referral form is used, the referral form shall include separate places of entry; one to be labeled "suspected EEN" and the other "suspected non-EEN." The referring person shall indicate on the form whether the child has suspected EEN or suspected non-EEN. To assist in this determination, the referring person may consult with other professionals in the district.

5. The district shall not deny any rights afforded under subchapter IV, chapter 115, Wis. Stats. to any child excluded from school.

(2) Screening.

(a) District responsibility.

1. Districts shall provide screening procedures for all children enrolled in public school between the ages of 5 and 21 years who are suspected of having EEN. Districts shall provide screening opportunities to children who are district residents prior to entry into school upon parental request. Public media techniques shall be utilized to inform parents of this opportunity.

2. Screening techniques for children with EEN may be coordinated with other education and health-related programs and screening procedures in the district and local community, e.g., ESEA Title I; Special Education Needs (SEN); Early and Periodic Screening, Diagnosis and Treatment (EPSDT).

3. The director or the board's program designee shall be responsible for the screening elements related to children with EEN but not necessarily for the district's total screening program.

(b) Every district shall have a plan for screening children for EEN and shall specify procedures for the following four groups:

1. Children who are entering school for the first time.
2. Transfer students new to the district.
3. Students currently enrolled in the district.
4. Children below school-entry ages.

(c) The screening procedures shall include the various techniques, both formal and informal, used to identify children with suspected EEN with the exception of pregnancy.

(d) Screening shall be a continuous process implemented throughout the school year to accommodate to new entries and to information obtained through informal observations and teacher evaluations.

(3) Division responsibility. The division shall provide consultative assistance to LEAs in the development of the screening plan as it relates to EEN.

PI 11.03 Multidisciplinary team(s) (M-team).

(1) Intent. The M-team shall determine if the child has a mental, learning, emotional or physical disability; shall determine the handicapping condition(s) as enumerated in section 115.76 (3) (a) through (i), Wis. Stats.; and shall determine if the handicapping condition(s) requires special educational services to supplement or replace regular education and therefore that the child has EEN. It shall be constituted in order to provide expertise required to assess the learning needs of children with EEN. Findings and recommendations shall be made by the M-team to assist the board through the director or program designee in making placement decisions appropriate to each child's needs.

(2) Board responsibility. The board through the administrator contingent upon PI 11.03 (2) (a) and (b), shall appoint the district's M-team(s).

(a) When there is a level A director, the director shall be administratively responsible for the M-team process.

(b) If there is no director, a program designee shall be appointed by the board.

(c) Upon parental approval, referrals to the M-team from both the public and private school sectors shall be honored.

Note: It is the department's current legal opinion that M-team assessments may be permitted in the private sector.

(3) Composition. Various professional areas of expertise are necessary to assess and program for a child's EEN. M-team membership shall be determined by the EEN which a particular child is believed to have. M-team(s) shall have at least 2 members who have expertise in assessment and programming for the EEN of the child being evaluated. In those instances in which a child is suspected to have multiple handicapping conditions, specialists certified to teach in each of the suspected handicapping conditions shall be members of the M-team. It shall be the responsibility of the director or the program designee responsible for M-team composition and functioning to ensure that both members are expert in both assessment and programming. This determination of skill shall be based on training, certification and experience.

(a) Special education personnel employed by the district shall be utilized in the formation of the district's M-team(s). CESA personnel contracted by the district shall be construed as district employees for purposes of M-team composition.

(b) At least 2 members of the M-team shall be direct employees of district of residence, including those cases where districts implement cooperative agreements with other districts, CESAs or CHCEBs.

(c) Districts may have need for consultation from other than public school employes to appropriately assess an individual child's EEN. Such consultation may be utilized by the M-team in formulating team recommendations. Personnel other than public school employes shall not be appointed official members of the child's M-team.

(d) Districts may employ additional qualified nondistrict personnel on their M-team(s) on a contractual basis with the following provisions:

1. Such nondistrict personnel shall be contracted for their services as M-team members.

2. As a contracted public school employe, these personnel shall function on behalf of children with suspected EEN and be recognized as representatives of the contracting district. In this contractual capacity, they shall not represent the agency or private facility where they are otherwise employed.

(4) M-team process. Written parental approval shall be obtained before any action is taken by the M-team. The parent shall be involved and consulted throughout the entire M-team process (appendix A).

(a) The first step of the M-team process shall be to examine all available pertinent data concerning children identified through screening or those referred by individual reports as having a suspected EEN. This process shall be conducted by various district professional employes but shall in every case include one professional staff member with certification to teach in the suspected area of exceptionality. This process shall include information from parents concerning the needs of the child.

(b) Action following the first step shall include:

1. A recommendation for further evaluation of a child's suspected EEN.
2. A determination that the child has an EEN as determined by available data.

3. A determination that the child has other than EEN. Such determination shall be coupled with the following recommendations for alternative service/ placement considerations:

a. Consultative services apart from special education to be offered in association with new or continuing regular educational placement.

b. Referral to other departments/individuals within the district responsible for alternative programs, e.g., Special Education Needs (SEN), ESEA Title I, etc.

c. Referral to an appropriate community agency or service to further examine conditions which influence learning, e.g., ophthalmology, otology, family services, etc.

(c) The parent shall be informed of findings and recommendations concerning the child following the examination of records.

(5) M-team assessment. When a M-team has determined that a child has a disability, handicapping condition(s) and an EEN which requires special education, the M-team shall:

(a) Specify in writing and be able to supply the substantiating data concerning the nature and extent of the child's EEN and non-EEN.

(b) Formulate written recommendations for regular and special educational program(s) or service(s), or both, based upon individual needs.

(6) Timeline. No more than 90 days shall elapse between the initial date of receipt of the referral form by the district for EEN and the receipt by the parent of the notice of placement decision pursuant to section 115.81 (2) (b), Wis. Stats.

(a) Special cases may require deviation from the 90-day policy. If it appears that the assessment cannot be completed in 90 days, the school district shall inform the parent of the reasons for the additional required time and shall obtain written approval for extension.

(b) In those cases in which parental approval is not given in writing for the extension beyond 90 days, the district shall request approval for the extension from the division.

(c) The receiving district shall examine records of transfer students enrolled in special education programs who were evaluated within the last 3 years. An examination of the student's records by 2 professional district-employed personnel may be sufficient to appropriately place or continue the student in a special education program or service.

(7) Parental consultation. Upon completion of the M-team's evaluation, a conference shall be scheduled with the parent to communicate the findings and possible special education program or service alternatives, or both. It is not the function of this team to make a formal placement recommendation; this responsibility shall reside with the district's director or the program designee. Parents may have a child advocate accompany them during any phase of the M-team process.

(8) Written report. The M-team shall submit a written report including findings, an individual educational plan and recommendations to the director or the assigned administrator responsible for the special education program/ placement process.

(9) Parental permission. Written parental permission shall be obtained prior to placement of the child in a special education program(s) or service(s), or both.

(10) Parent notification. The parent shall be notified in writing of the M-team's recommendations and a brief statement of the reasons for the recommendations (section 115.81 (2) (a), Wis. Stats.).

(11) Parent notification. The parent shall be notified in writing of the district placement decisions (section 115.81 (2) (b), Wis. Stats.).

(12) Referrals of minority children. When utilizing standardized tests, or interpreting the findings, care shall be taken to assure that ethnic or minority groups are not discriminated against due to culturally-weighted items.

(a) For every referral concerning a minority child, a member of that minority shall be allowed input into the M-team's decision-making process.

PI 11.04 Placement process.

(1) If an M-team determines that a child has EEN and recommends that the child be provided special education services, the board through the director or program designee shall place the child in an appropriate special education program according to the following procedures:

(a) Pursuant to section 115.85 (2), Wis. Stats., the board shall not place the child in a special education program until it has consulted with the M-team and secured the consent of the child's parent.

(b) Pursuant to section 115.85 (2) (a), Wis. Stats., if the district, the county in which the child resides or the CESA for the district in which the child resides operates an appropriate special education program or can establish such a program within 30 days of the parent's consent to the board's notice of placement decision, the board shall place the child in that program.

(c) Pursuant to section 115.85 (2) (b), Wis. Stats., if an LEA cannot provide an appropriate program as described in PI 11.04 (1) (b), the board through the director or program designee shall consult with the division to determine whether an appropriate program operated by a public school agency or another public agency (as modified in PI 11.04 (1) (d)) is available in

Wisconsin. If such a program can be provided within 30 days of the parent's consent to the placement offer of the board, the board shall place the child in that program. If more than one such program exists, the board shall place the child in a program as near as possible to the place where the child resides.

(d) Pursuant to section 115.85 (2) (c) and (d), Wis. Stats., if it is determined that no public school or public agency in Wisconsin can provide an appropriate program in terms of the definition of local accessibility in appendix H, as described in section 115.85 (2) (a) and (b), Wis. Stats., the board shall consult with the division to determine whether an appropriate program is offered by any private in-state non-sectarian facility as described in section 115.85 (2) (d), Wis. Stats. or by any public or private non-sectarian program in another state as described in section 115.85 (2) (c), Wis. Stats. or authorized in recent court decisions. The child's total EEN and place of residence shall be considered in the board's decision. The board shall place the child in such a private or public educational program in-state or out-of-state only after securing the approval of the superintendent. The private special education service shall be requested to provide evidence, pursuant to section 115.85 (2) (d), Wis. Stats. that its governing board, faculty, student body and teachings are not chosen or determined by any religious organization or for any sectarian purpose.

(e) Pursuant to section 115.85 (2) (e), Wis. Stats., "The school board may place a child with exceptional educational needs in a special education program at the home, residence or other location of the child only if there is a physician's statement in writing that the child is unable to attend school, as required under s. 115.80 (3) (e)."

(f) When the child's needs include extenuating circumstances relating to

factors other than the provision of an appropriate special education program, the district shall seek close collaboration with appropriate social agencies, including the Wisconsin department of health and social services, to facilitate meeting the child's total needs.

(g) The superintendent may approve a request for placement of a child with EEN pursuant to section 115.85 (2) (c) and (d), Wis. Stats. in a public special education program operated outside of Wisconsin or in a private in-state or out-of-state special education service with the following provisions:

1. The board shall have followed the placement procedures pursuant to PI 11.04.

2. The superintendent finds, upon a report submitted by the district, that the private program or the out-of-state public program meets standards in the following areas:

a. Instructional and supportive staff certified or certifiable by the department.

b. Program approval criteria, e.g., criteria utilized by the department in approving comparable public school programs.

c. Any other data the superintendent requires to make a valid judgment.

PI 11.05 Exceptional education children records.

(1) Intent. The department shall collect, maintain and disseminate student records as required by the Family Educational Rights and Privacy Act of 1974. Section 11 (i) of such policy states: "The Division for Handicapped Children of the Department of Public Instruction will adopt rules and regulations to be followed by local multidisciplinary teams to ensure parental authorizations for release of relevant pupil records required by the Division for Handicapped Children to fulfill its

mandated roles/functions under Chapter 89. Where parental authorization is not received, student data on enrollment and transportation reports shall be submitted accompanied by an identification number meaningful only to the Local Education Agency for student identification purposes."

(2) Collection, maintenance and dissemination of student records. The division, in order to carry out its responsibilities as mandated in subchapter IV, chapter 115, Wis. Stats., shall receive exceptional education pupil records pursuant to the following conditions:

(a) Parental consent. The district in its M-team placement and service processes shall indicate to the parent of a child with EEN that the services of the division may be or are needed for immediate or long range consultative, program planning and service purposes as outlined in PI 11.05 (2) (f). The parent shall be encouraged and afforded the opportunity of giving written consent for the district to make their child's records available to the division. The parent shall be given such opportunity under the circumstances enumerated in PI 11.05 (2) (c), (d) and (f). A suggested parental consent form is available from the department for duplication or modification by the district if desired.

(b) Identification numbers. If the parent fails to give consent for release of pupil records with the child's name, districts shall supply the requested records deleting the child's name but identifying such records with an appropriate identification number. The district shall utilize the identification number system provided by the division for assigning individual identification numbers (appendix B).

(c) Enrollment reports. LEAs operating special education instructional units for children with EEN shall report selected information on the individual pupils enrolled in such units by name or identification number. The same

information shall be reported to the division on children enrolled after the due date of such enrollment reports.

(d) Transportation reports. LEAs requesting approval and reimbursement for the transportation of students with EEN receiving special service shall report the individual pupils by name or identification number.

(e) District responsibility and concomitant accountability for individual's records. In addition to any required student records, districts shall maintain as part of the EEN child's record the following:

1. Parental consent for district action pursuant to subchapter IV, chapter 115, Wis. Stats.
2. Any data utilized by the M-team to reach decisions, e.g., evaluations, reports, pupil records.
3. The findings and recommendations of the M-team.
4. The placement decision of the board, director or program designee.
5. The individual educational plans prescribed for the child with EEN.
6. All records called for in subchapter IV, chapter 115, Wis. Stats. and by any rules or regulations promulgated by the department to implement its role and function under this chapter.
7. Medical prescriptions required to substantiate any health treatment services provided under section 115.80 (3) (e), Wis. Stats.
8. Medical verifications required to provide homebound instructional services and special programs for school-age pregnant girls and mothers as stipulated in section 115.80 (3) (e), Wis. Stats.
9. Medical evaluations, if used to substantiate determination of disability. The division strongly recommends the continuing involvement of medical personnel in the evaluation of children with EEN, since commonly

accepted professional practices require the utilization of qualified medical personnel to determine sensory, mental and physical disabilities.

(f) Individual pupil records. When students' educational programs fall within the following situations, their records shall be immediately forwarded to the division pursuant to conditions described in PI 11.05 (2) (a) and (b):

1. Students who are being considered for enrollment in special education services outside the district of residence. In those cases where the districts have made cooperative arrangements with a CESA or are included in a CHCEB or have entered into a 66.30 cooperative agreement, the children so enrolled shall be considered as resident students.

2. Students being considered for enrollment in the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf, or those facilities operated or supported by the department of health and social services.

3. Students for whom the superintendent has received a formal parental appeal request under the provisions of section 115.81, Wis. Stats. Information submitted to the department shall include the local hearing records.

4. Students with EEN who are either being considered for placement in state or county institutions or residents of such institutions being returned to LEA services.

5. Students for whom a request is made for state tuition support under section 121.79 (1) (c), Wis. Stats.

6. Students for whom districts are requesting the superintendent's approval to place in an appropriate program in another state pursuant to section 115.85 (2) (c), Wis. Stats. or to contract with a private school for the child's education under the provisions of section 115.85 (2) (d), Wis. Stats. When the request for complete pupil records emanates from the division pursuant to PI 11.05 (2) (f) 7. and 8.,

such records shall be forwarded to the division within 10 days following receipt of a request from the division. The records shall include data as called for in PI 11.05 (2) (e).

7. Students upon whom an official inquiry request, e.g., from a district of residence, parent, guardian, child advocate, legislator or state agency, for state consultation or state legal action has been received.

8. Any child for whom the division requires case data to carry out its functions as called for in section 115.84, Wis. Stats.

(g) The division shall not require the submission of complete individual pupil records on resident children enrolled in programs operated individually or cooperatively by the district of residence, except as indicated in PI 11.05 (2) (f).

PI 11.06 Hearings and Appeals.

(1) Intent. The purpose of this section is to ensure that all hearings before the board or its hearing officer and all appeals to the superintendent afford the parties fundamental fairness guaranteed by law. PI 11.06 is intended to implement section 115.81, Wis. Stats. which requires that boards provide parents with a fair hearing before the board or its hearing officer and before the superintendent when conflicts arise over a decision relating to special education for a child.

(2) Parental request for a hearing. A parent shall file a written request for a hearing with the district clerk of the district in which the parent resides within the time period and for the reasons specified in section 115.81 (1), Wis. Stats.

(3) District responsibility upon request for a hearing.

(a) Upon the filing of the request for a hearing, the board or its designee shall set a mutually acceptable time and place for the hearing. The hearing shall be held within 60 days of the filing of the request for the hearing.

(b) Not more than 30 days prior to the time set for the hearing, the board shall send a notice of the hearing stating the time and place of the hearing and the parent's rights to the parent under section 115.81 (4) and (5), Wis. Stats.

(c) The board may appoint a hearing officer, pursuant to section 115.81 (2) (d), Wis. Stats.

Note: The department strongly recommends the appointment of a hearing officer. That person shall not be an employe of the district and shall have a level A license and have training in hearing procedures. It is preferable to select a hearing officer who has training in the area of exceptionality evidenced by the child whose case is being heard.

(4) Contents of the official record. The board or hearing officer shall keep an official record of the hearing which shall contain:

(a) A verbatim record of the proceedings at the hearing together with all exhibits. The record of the hearing may be a tape recording, but shall be transcribed and available to parents upon request in the event of an appeal to the superintendent.

(b) A copy of the notice to the parent that a report will be made to the board, or documentation of the manner in which the parent was informed, pursuant to section 115.80 (1) (c), Wis. Stats. and any information reported

to the board under section 115.80 (1) (a) or (b), Wis. Stats. The district shall obtain a copy of the notice or documentation of the manner in which the parent was informed.

(c) Written parental approval for M-team evaluation, pursuant to section 115.80 (3) (b), Wis. Stats.

(d) The written M-team recommendations, pursuant to section 115.80 (3) (e), Wis. Stats.

(e) A copy of the notice to the parent of the M-team recommendations pursuant to section 115.81 (2) (a), Wis. Stats. For recommended form of notice, see appendix C.

(f) A copy of the notice to the parent of the decision of the board or its designee for placement or removal from a special education program, pursuant to section 115.81 (2) (b) and (c), Wis. Stats. For recommended form of notice, see appendix D.

(g) Written parental consent to a change of program or, if no parental consent is given, written record of the board's reasons for changing the program prior to the hearing or pending the board's decision on appeal, pursuant to section 115.81 (3), Wis. Stats. Program change without parental consent shall be made only if the health or safety of the child or others would be endangered by delaying the change in assignment. For recommended forms of parental consent and early program change notice, see appendix E.

(h) A copy of the notice to the parent of the hearing. For recommended form of notice, see appendix F.

(i) Written parental request for a hearing on program placement or removal, pursuant to section 115.81 (1) (a), Wis. Stats.

(j) A copy of the referral form for EEN. For recommended form of notice, see appendix G.

(k) The written record of any independent examination of the child carried out at the parent's request, pursuant to section 115.81 (5), Wis. Stats., if submitted into evidence at the hearing or otherwise released to the board.

(5) Presentation of evidence.

(a) The board or its designee shall present the evidence upon which the placement or removal decision was based.

(b) The parent or parent's advocate shall present any evidence relevant to the decision of the board or its designee.

(c) The parent shall be given an opportunity to examine and cross-examine witnesses. A presiding officer may, in order to develop the facts, or to reach a decision, examine any witness or call any witness, including any person skilled in the suspected area of exceptionality. Costs incurred in the provision of witnesses on the behalf of the board shall be the board's. The presiding officer may determine the order in which witnesses are called.

(6) The presiding officer may postpone, recess or adjourn the hearing for a period not to exceed 15 days. It shall not serve to extend the period by which the board shall hold the hearing beyond 60 days as provided in PI 11.06 (3) (a).

(7) Hearing officer's report. If a hearing officer presides at the hearing, that person shall issue a written report which shall identify the parties, state the purpose of the hearing, review the evidence introduced, summarize the points of contention between the parties and recommend a decision. Copies of this report shall be sent to the parent and the board. The hearing officer shall issue a report within 5 days after the close of the hearing.

(8) Board decision. The board shall issue its decision within 30 days of the close of the hearing, pursuant to section 115.81 (6), Wis. Stats. The board

shall, within 24 hours of its decision, mail a copy of such decision to the parent. The decision shall include a statement of facts and conclusions upon which the board's decision was based. The decision shall also specify the parent's right to appeal within 30 days from the day of issuance of the board's decision to the superintendent under section 115.81, Wis. Stats. If the board does not make a decision within 30 days after the parent has filed a written appeal, the placement decision shall be deemed affirmed.

(9) Appeal of board decision to superintendent.

(a) The parent may file a written appeal of the board decision to the superintendent within 30 days from the day of issuance of the board's decision, pursuant to section 115.81 (7), Wis. Stats. The appeal shall name the parties and shall give a brief statement of the parent's reasons for appealing. Upon receipt of an appeal, the superintendent shall request the official record from the board.

(b) The superintendent shall issue a decision based on the official record within 30 days after the parent has filed a written appeal. If the superintendent does not make a decision within 30 days after the parent has filed a written appeal, the decision appealed from shall be deemed affirmed. The official record shall be returned to the board after the superintendent has made a decision.

(10) Appeal of the superintendent's decision to the court. Pursuant to section 115.81 (8), Wis. Stats., within 30 days from the day of issuance of the decision of the superintendent, the parent may appeal the decision to the circuit or county court in which the child resides.

(11) If no appeal to the superintendent is made within 30 days of issuance of the board's decision, the district shall send to the division a report including those elements listed in PI 11.06 (7).

PI 11.11 Director.

(1) Policy. To ensure that all children with EEN receive appropriate special education services, the LEA may organize special education services into an administrative structure under a level A-certified director. Special education programs shall be implemented through one or more of the following administrative structures:

(a) District. Special education programs operated by a district and administered by a director directly employed by the district.

(b) District. Special education programs operated by districts and administered by a director employed by the CESA and contracted by the district. The director shall be considered a district director for each district.

PI 11.11 (4) (a) shall be applicable to this section.

(c) CHCEB. Special education programs operated by a CHCEB and administered by a director employed by the CHCEB.

(d) Cooperative agreement (66.30). Special education programs operated by 2 or more districts or CHCEBs through a 66.30 cooperative and administered by a director employed under the 66.30 cooperative agreement.

(e) CESA. Special education programs operated by a CESA and administered by a director employed by the CESA.

(2) Eligibility. The services of a full or part-time director may be utilized when the LEA becomes eligible for reimbursement according to the following:

(a) A district operating special education programs attains the necessary personnel/programs required for state reimbursement of special education leadership personnel (See Table 1, p. 28).

(b) A district attains the necessary personnel/program criteria located within the district but operated by a combination of LEAs. Units shall not be duplicated for count for directors.

(c) An LEA operating the program shall obtain the necessary personnel/program units required for state reimbursement of special education leadership personnel (PI 11.11 (3)).

(d) In areas of potential program unit growth based on incidence, a director shall be considered for approval by the division for program development for one calendar year.

(3) Reimbursement. The department shall reimburse the employing LEA for the salary and fringe benefits of full-time special education leadership personnel at 70% when the program/personnel criteria are met and the director has assumed the responsibilities as enumerated in PI 11.11 (4) (a) and (b). Operation of 10 program units or employment of 20 reimbursable special education staff shall qualify an LEA for reimbursement at the 70% level by the department.

(a) Reimbursement to the employing LEA for half-time directors shall be 70% of the 50% portion of time allocated to administering programs/services for children with EEN.

(4) Role of the director. The function of the director shall be to provide within legal and recognized professional standards an organizational framework in which efficient and appropriate special education leadership can be provided to plan, develop, implement and evaluate appropriate special education offerings to children with EEN. The director shall be the identified administrative leader responsible for all special educational services.

(a) General responsibilities. The director shall be responsible and accountable for the special education administrative structure to the

administrator(s) or CHCEB, or both, and shall have requisite authority for budget preparation, administration and supervision of special education services staff; shall be responsible for development, placement, implementation and evaluation of programs and services for children with EEN and shall articulate special education with regular education.

(b) Specific responsibilities. A state-funded director shall be responsible and accountable for the development, implementation and evaluation of the following:

1. Placement decision, admission, programming, termination and follow-up for individual children with EEN served by special education programs.

2. Administration, supervision and coordination of special education instructional and ancillary personnel for all aspects of programs and services for children with EEN.

a. The development, administration and operation of the M-team(s) and reports on children with EEN.

3. A comprehensive continuum of coordinated programs and services for children with EEN including communication channels for the interface between special and regular education, parents and liaison with other agencies.

4. Staff development including inservice and continuing education programs for special education instructional and ancillary personnel, regular education personnel, other district personnel, parents and other community personnel.

5. Appropriate facilities, special transportation and resources for pupils, staff, programs and services.

6. Budget preparation, implementation and fiscal accountability.

7. All special education report forms and district plans as required by the department and the division.

8. The screening, identification and referral of children with suspected EEN; the director shall have input into these processes and procedures.

(5) District responsibility. The district shall be responsible for assessing local needs in determining the nature of special education leadership resources necessary for appropriate special education program planning, implementation and evaluation.

(a) A written plan for the position shall include goals, roles, responsibilities and accountability procedures related to program planning, implementation and evaluation and shall be submitted to the division for approval prior to employment of the individual.

(b) The services of special education administrative personnel shall be annually evaluated by the employing agency for effectiveness and efficiency. The evaluation shall include the adequacy of personnel resources in relation to local special education program management needs.

Table 1

Criteria for reimbursement of directors

Any LEA interested in employing or utilizing a director shall seek consultation with the division to determine the appropriateness and eligibility for such a position.

LEAs shall be reimbursed at 70%, commensurate with other handicapped children fiscal aids, of the salaries and fringe benefits of full- or part-time directors if the services of the director encompass one or more of the criteria listed below.

<p>1. <u>Reimbursable staff.</u> Directly accountable to director. Includes special education teachers, handicapped children's aides, school psychologists, school social workers, physical therapists, physical therapy aides, occupational therapists and any other approved special staff.</p>	<p>Full-time (currently 70% of salary) - 20 reimbursable staff. Leadership staff may be employed by another fiscal agent, e.g., CHCEB, CESA.</p>	<p>Part-time (currently 70% of part-time employment) - 10 reimbursable staff.</p>
<p>2. <u>Program units.</u> Operation.</p> <p>(a) Reimbursable program units operated by the district. Program unit count does not include ancillary personnel.</p>	<p>10 units. Language units count the same as other disability units.</p>	<p>5 units. Language units count the same as other disability units.</p>
<p>(b) Program units located within a district but operated by district, CHCEB, CESA or 66.30 or any combination. Units may not be duplicated for count for special education directors.</p>	<p>10 units - actually located within district.</p>	<p>5 units located within district.</p>

PI 11.12 Assistant director.

(1) Policy. One option which may be utilized in the employment of additional special education administrative personnel is the employment of an assistant director(s) through a variety of administrative structures (PI 11.11 (1) (a) through (e)).

(2) Eligibility. Consideration may be given to employment of a full-time assistant director when the LEA is eligible for reimbursement according to the following:

(a) The assistant director shall hold the licensure of a level A director.

(b) Prior to the employment of an assistant director, the LEA shall have employed or contracted with a director.

(c) The LEA operating the special education program(s) shall have attained the 15 additional program units beyond those required for the director for state reimbursement of an assistant director (PI 11.11 (3)).

(d) Determining eligibility. See PI 11.11 (2).

(e) A written plan. See PI 11.11 (5) (a).

(3) Reimbursement. See PI 11.11 (3).

(4) Role of the assistant director. The function of the assistant director shall be to carry out the responsibilities as enumerated in PI 11.11 (4) as delegated by the director.

PI 11.13 Program supervisor - level A.

(1) Policy. An option which may be utilized in the employment of additional special education administrative personnel is the employment of a level A program supervisor(s) through various administrative structures (PI 11.11 (1) (a) through (e)).

(2) Eligibility. Consideration may be given to employment of a full-time or half-time level A supervisor when the LEA is eligible for reimbursement according to the following;

(a) An individual considered for this position shall hold a level A license in the appropriate program area(s) and shall have completed 3 years of successful teaching as evaluated by the employing LEA in the special education program area to be supervised.

(b) To be eligible for reimbursement of a program supervisor, the LEA shall have employed or contracted with a director as specified in PI 11.11.

(c) Program designees shall not be used in lieu of a director in obtaining administrative and supervisory personnel.

(d) The LEA operating the special education programs shall meet the necessary program unit requirements for state reimbursement (PI 11.11 (3)).

(e) Determining eligibility. See PI 11.11 (2).

(f) The LEA shall be eligible for reimbursement of a half-time and full-time level A program supervisor(s) with 5 and 10 program units, respectively.

(g) A written plan. See PI 11.11 (5) (a).

(h) Districts operating programs in low prevalence disability areas, e.g., deaf, vision, physical handicapped, may request the division to consider possible exception(s) to the unit count to be eligible for reimbursement of a supervisor's salary.

(i) In areas of potential program unit growth based on incidence, a supervisor shall be considered for approval by the division for program development for one calendar year.

(3) Reimbursement. See PI 11.11 (3).

(4) Role of program supervisor. A level A program supervisor shall provide expert leadership of the administrative and supervisory functions

related to program planning, implementation and evaluation in the specific program area(s).

(a) General responsibilities. A level A program supervisor shall be under the authority of and accountable to the director or assistant director, or both, and shall be responsible for programs and services for identified children with EEN, special education teachers and ancillary staff in a program area.

(b) Specific responsibilities. Specific responsibilities which shall be assigned in a program area include:

1. Development of new and expanded educational opportunities within program areas.
2. Development of appropriate program goals, objectives, program evaluation criteria and tools.
3. Periodic needs assessment of program area and preparation of reports for the director.
4. Assumption of other program accountability reporting and liaison activities as assigned by the director.
5. Responsibility for M-team(s).
6. Review of M-team recommendations for purposes of assisting teachers in designing and implementing the most appropriate instructional approach.
7. Responsibility for maximizing teachers' effectiveness in designing and implementing the most appropriate instructional approach.
8. Responsibility for improvement of teacher competencies in instruction of children assigned to the program area.
9. Monitoring of the performances of teachers assigned to program area.
10. Designing and directing inservice training sessions for regular and special education teachers working with children with EEN in the specific program area.

PI 11.14 Program supervisor - level B.

(1) Policy. An option which may be utilized in the employment of additional special education administrative personnel is the employment of a level B-certified program supervisor(s) through various administrative structures (PI 11.11 (1) (a) through (e)).

(2) Eligibility. Consideration may be given to employment of a full-time or half-time level B program supervisor when the LEA becomes eligible for reimbursement according to the following:

(a) Evidence that a level A-certified and qualified supervisor is not available for employment.

(b) An individual considered for this position shall hold a level B supervisory license in the appropriate program area(s) and shall have completed 3 years of successful teaching, as evaluated by the employing LEA in the special education program area to be supervised.

(c) Prior to the employment of a level B program supervisor, the LEA shall have employed or contracted with a director.

(d) Program units. See PI 11.13 (2) (f).

(e) No more than one level B program supervisor shall be approved until there is an approved full-time level A supervisor employed in that special education program area.

(f) Determining eligibility. See PI 11.11 (2).

(g) A written plan. See PI 11.11 (5) (a).

(h) Districts operating programs in low prevalence disability areas.

See PI 11.13 (2) (h).

(i) Potential program unit growth. See PI 11.13 (2) (i).

(3) Reimbursement. See PI 11.11 (3). An individual serving in this position shall be reimbursed for only 3 school-calendar years at which point a level A licensure must be in effect for a continuation of reimbursement as a program supervisor.

(4) Role of level B program supervisor. The role of the level B program supervisor shall be to provide coordinative and supportive services to improve the instructional programming for children in special education program areas. The level B program supervisor shall function in a liaison role between instructional staff and other administrative/supervisory personnel. The level B program supervisor shall be responsible and accountable to the director or the assistant director or the level A program supervisor, or any combination thereof.

(a) General responsibilities. General responsibilities which shall be assigned to a level B program supervisor shall be the same as the general responsibilities of a level A program supervisor (PI 11.13 (4) (a)).

(b) Specific responsibilities. Specific responsibilities which shall be assigned to a level B program supervisor are the same as the specific responsibilities of a level A program supervisor (PI 11.13 (4) (b)).

PI 11.15 Program support teacher.

(1) Policy. To ensure that all instructional units have adequate support services, the LEA may utilize a program support teacher as a leadership option when appropriate within a special education program area. Utilization of a program support teacher(s) in a specific program area(s) shall be contingent upon prior employment or contract of a director in the LEA operating the special education program. Support teacher services may be implemented through a variety of administrative structures (PI 11.11 (1) (a) through (e)).

(2) Eligibility. Eligibility for a program support teacher shall be based on current full-time LEA administered/supervised teaching positions in the specific program area. To qualify for this position, the following program criteria shall be met:

(a) To be eligible for a program support teacher, the LEA operating the special education program shall have employed/contracted for the services of a level A director when the total number of programs reaches the requirements established by the division (Table 1, page 28).

(b) Only approved full-time program units shall be included in the count. The program unit count shall not include diagnostic, ancillary, support or itinerant personnel.

(c) Program units. See PI 11.13 (2) (f).

(d) Half-time and full-time program support teachers shall be required to provide direct services to children with EEN as part of their overall role and function. This assistance shall be documented (PI 11.15 (3) (a) 4. and 5.).

(e) When there are 15 or more units in the program area, no more than one program support teacher for that program area shall be reimbursed unless a level A or level B program supervisor is employed for that program area.

(f) A minimum of 5 program units for half-time and 10 program units for full-time within a specific program area shall be required for each additional program support teacher.

(3) Reimbursement. See PI 11.11 (3).

(a) A written plan for this position shall be annually submitted by the LEA to the division review committee and program area supervisor for item review. The program plan shall include the following elements:

1. Program rationale.
2. Clearly articulated need.
3. Number of program units.
4. Teacher role and function.
5. Case load.
6. Work schedule.
7. Position evaluation.
8. Any other information requested by the division.

(b) Reimbursement for this position shall be contingent upon prior approval of the division and shall begin on the date of supervisory and review committee approval.

(4) Program support teacher requirements. The program support teacher shall meet all of the following requirements:

(a) A 3-year license in one or more areas of specialization, one area of which is specific to that program to be supported.

(b) A minimum of 3 years of successful teaching experience, as evaluated by the employing agency, after the issuance of the 3-year license in the area of specialization.

(c) Evidence of competencies in classroom management, individual and group management, diagnosis and evaluation, parent training, curriculum development, instructional materials development, program evaluation and relationships with other teachers.

(d) Advanced course work in educational diagnosis and evaluation, classroom management techniques, curriculum development, learning theory and remedial/developmental techniques.

(e) Candidate role and function shall be negotiated by the LEA director, the division review committee and program area supervisor.

(5) Role of the program support teacher. The role of the program support teacher shall be to provide for implementation of direct services to children with EEN as contrasted to administrative decision-making or supervision of teaching personnel. The purpose of this position is to assist the special education administrative/instructional personnel in the development, implementation and evaluation of programs and services in the program area. Pursuant to section 115.83 (1) (b), Wis. Stats., the program support teacher shall also provide consulting services to the regular education teacher for those children with EEN enrolled in regular education classrooms. The program support teacher(s) shall be responsible to the director or program supervisor, or both.

(a) General responsibilities. The primary responsibility shall focus upon services to children with EEN and to special education and regular education teachers in the areas of diagnosis and intervention procedures, classroom management, curriculum development, instructional methods, educational diagnosis and instructional materials and equipment.

(b) Specific responsibilities. Specific responsibilities shall include the following:

1. Assist in educational evaluations as part of the M-team.
2. Review, with the special education or regular education teachers, or both, the M-team recommendations.
3. Assist the special education or regular education teachers, or both, in providing quality and comprehensive instruction for the children assigned to the program area.

4. Serve as a liaison between special or regular education teachers, or both, and supervisors in the special education administrative structure.

5. Participate in parent conferences and training.

6. Provide inservice training for regular and special education personnel, other district personnel, parents and community personnel.

7. Serve as a liaison with other agencies involved in programming for individual children with EEN.

8. Any duties considered appropriate for the program support teacher shall be negotiated with and approved by the division.

9. Provide services to children with EEN who are returned full or part-time to regular classes.

PI 11.18 Educational services for school-age pregnant girls and mothers.

(1) Legislative intent. Section 115.76 (3) (h), Wis. Stats. denotes pregnancy, including up to 2 months after the birth of the child or other termination of pregnancy, as a condition which may require special educational services to supplement or replace regular education.

(2) District responsibility.

(a) Compulsory attendance. The provisions of section 115.82, Wis. Stats., relating to compulsory school attendance shall apply during the school term to students with EEN and may be satisfied by attendance at special education programs operated by an LEA, state or county residential educational facility or private special education service.

(b) Each district shall develop a systematic plan for providing educational services to school-age pregnant girls and mothers. This plan shall be submitted to the division and shall include:

1. Goals.
2. Processes.
3. Procedures.
4. Evaluation design.

(3) M-team(s). The formation and functioning of the M-team for school-age pregnant girls and mothers shall be organized and function in the same manner as for all other disability groups per PI 11.03.

(a) Suggested M-team membership considerations.

1. Teacher(s) of school-age mothers or regular classroom teachers or both.
2. Guidance counselor.
3. Principal.
4. Director.
5. School psychologist.
6. Social worker.
7. School nurse.

(b) Educational plan considerations for the M-team.

1. Medical diagnosis and recommendations pursuant to PI 11.05.
2. Alternative educational plans shall be offered to the pregnant girl or mother.

(4) Proposed educational plan. The LEA's written proposed educational program shall have the written consent of both the school-age pregnant girl or mother and her parent before she may be enrolled for special education services. If the girl has reached the age of majority (18), parental consent shall not be required.

(5) Administration/supervision. The director or the program designee shall be administratively responsible for the development and implementation of the program or services or both.

(6) The division:

(a) Shall provide consultative assistance to the LEAs in the development of educational programs for the school-age pregnant girl and mother.

(b) Shall formally approve the LEA's plans of services.

1. The LEA shall receive 70% reimbursement for the salaries and fringe benefits of qualified personnel, transportation costs and specially approved instructional materials and equipment.

Note: A maximum of \$210 per unit is reimbursed on a local expenditure of \$300 per program unit at this time. Any exceptions to this limitation shall be negotiated in advance with the division program area supervisor.

(7) Program considerations.

(a) Student eligibility. All girls up to the age of 21, unless they have graduated from high school, are eligible to receive special education programming during a pregnancy, including up to 2 months after the birth of the child or other termination of the pregnancy.

(b) Personnel. All teachers shall hold licensure to teach in Wisconsin. All ancillary personnel shall hold licensure in their respective areas of expertise. Teachers shall be certified at the appropriate level or in specific subject areas or both. All teachers involved in the special programs specifically designed to meet the needs of the affected student shall complete an additional 9 hours of training. The teachers shall pursue coursework in the content areas of:

1. Nature and needs of school-age pregnant girl and mother.
2. Education for the exceptional child.
3. Child or adolescent development.
4. Maternal health and child care.
5. Adolescent psychology.

6. Family relationships.

(c) Programming. Alternative educational plans shall be offered to the affected students. These may include:

1. Continuation in the regular school program with some supportive services provided by special education personnel.
2. Attendance at a specialized educational program designed specifically to meet the needs of the school-age pregnant girl and mother.
3. Homebound instruction in lieu of attending regular classes or to supplement classroom instruction if the girl attends school on a part-time basis.
4. Hospital instruction during periods when the student might be hospitalized both prior to and following delivery.
5. Provision of social service counseling to facilitate accessibility to needed resources.
6. Pilot approaches utilizing infant day care services and parenting skills programs.

(d) Evaluation of the program shall be based upon the following:

1. Maintenance of the student's grade level functioning.
2. Promotion of the students from one grade level to another with their class if it is appropriate to do so.
3. Student's demonstration of a basic knowledge of maternal health practices and the acquisition of child care techniques when the educational focus has been in these content areas.

(e) Instructional materials and equipment. Proposed expenditures for instructional materials and equipment shall require advance approval on the annual plan of services by the division.

(8) Student special transportation.

(a) Pursuant to sections 121.54 (3) and 115.88 (2), Wis. Stats., the LEA shall provide transportation for school-age pregnant girls and mothers and the means for financial reimbursement concerning attendance in either regular school or special service programs.

(b) Boarding home placements shall be made infrequently in lieu of transportation (section 121.58 (3), Wis. Stats.). Transportation costs from the boarding home to the school housing the special education services shall be a reimbursable item.

Note: Weekend costs of transporting a student between that student's residence and the boarding home shall be the responsibility of the parent.

(c) Transportation, when required, to supportive services related to established educational programs shall meet the test of such special or additional transportation.

PI 11.19 Supportive services: physical and occupational therapy.

(1) Legislative intent. Subchapter IV, chapter 115, Wis. Stats. gives an LEA the authority to establish physical therapy and occupational therapy services outside of orthopedic school centers. The authority contained in section 115.83 (1) (a), Wis. Stats. is limited to approving special physical or occupational therapy services for children with EEN who are enrolled in the special education programs offered by the LEAs.

(2) LEA responsibility. Prior approval from the division shall be obtained before a physical therapist or occupational therapist or both is employed. Each district shall develop a systematic plan for providing physical therapy or occupational therapy or both when required, as supportive service to the established special education programs. This plan shall be submitted to the division and shall include:

- (a) Goals.
- (b) Processes.
- (c) Procedures.
- (d) Evaluation design.

(3) M-team(s). The formation and functioning of the M-team for children who appear to require physical therapy or occupational therapy or both shall be organized and function in the same manner as for all other disability groups pursuant to PI 11.03. A physical therapist or an occupational therapist or both shall be included on the M-team when it is suspected that the child's educational program will require physical therapy or occupational therapy or both supportive services.

- (a) Suggested M-team membership and consultative considerations.

- 1. School personnel.
 - a. School psychologist.
 - b. Speech pathologist(s).
 - c. School social worker.
 - d. Principal.
 - e. Teacher(s).
 - f. School nurse.
 - g. Director.
 - h. Physical therapist.
 - i. Occupational therapist.
- 2. Consultants - nonpublic school personnel.
 - a. Orthopedist, physiatrist or pediatrician.
 - b. Physical therapist.
 - c. Occupational therapist.

d. Public health nurse.

(b) Treatment plan considerations for the M-team.

1. Medical diagnosis.

2. Medical recommendations - prognosis.

3. Child's age.

4. Local/regional resources.

a. School - physical facilities and personnel.

b. Community - hospital, clinics, 51.42/51.437 day care services, individual practitioners, e.g., physicians, physical therapists, occupational therapists.

(4) Administration/supervision. The director or the program designee shall be administratively responsible for the development and implementation of the program or services or both.

(5) The division:

(a) Shall provide consultative assistance to LEAs in the development of the physical therapy and occupational therapy service plan.

(b) Shall formally approve the LEA's plan of services.

(c) The supervisory and consultative services shall be the joint responsibility of the bureau for exceptional children and the bureau for crippled children within the division.

(d) The LEA shall receive 70% reimbursement for the salaries and fringe benefits of qualified personnel, transportation of children and youth and specially approved therapy materials and equipment.

Note: A maximum of \$1,000 per new physical therapy/occupational therapy unit for non-fixed equipment shall be allowed. Any exceptions to this limitation shall be negotiated in advance with the division program area supervisor.

(6) Service considerations.

(a) Any child who has been determined by the M-team to have EEN shall be eligible to receive physical therapy or occupational therapy or both services upon medical recommendation as stipulated in PI 11.05 (2) (e) 7. Any child who has a congenital or acquired disease or condition of such severity that achievement of normal growth and development may be hindered shall be eligible to receive physical therapy or occupational therapy or both services upon medical recommendation as stipulated in PI 11.05 (2) (e) 7.

(b) The physical facilities shall be commensurate with the role and function service to be performed. Each district shall identify the facilities wherein the treatment is to take place. The industrial commission codes shall be adhered to regarding the physical space required to perform the activities. The facilities shall be determined to be appropriate for the delivery of health treatment services. This determination shall be made by the department.

(7) Physical therapists' qualifications and programming.

(a) Licensure. A physical therapist shall be a graduate of an accredited school.

Note: After July 1, 1977, full-time and half-time employed physical therapists shall hold department licensure as a physical therapist.

(b) Programming.

1. The type of disability and requirements for physical therapy shall be considered in determining the therapist caseload. Twelve children shall be a minimal daily caseload for a full-time physical therapist. Pro-rata reimbursement of part-time personnel is permissible.

2. The physical therapist shall be an M-team member if the child is being evaluated for possible physical therapy supportive services.

3. A large number of children with neurological dysfunction are served in special education classes. Therefore, it is strongly recommended that therapists working in such programs need specific training and experience in neurodevelopmental techniques.

4. The physical therapist shall have medical prescription and adequate medical information from an orthopedist, physiatrist or pediatrician before a child is enrolled in the program. There shall be a reciprocal exchange of medical and social information between the division and local professional personnel who are concerned with the child's school placement and total health needs. The district shall obtain an updated medical prescription and information yearly or more often if there is a change in the child's physical condition, e.g., surgery, casting, etc.

5. Each child receiving treatment shall have a complete and current treatment record. In order to have a descriptive profile of the child, an initial assessment of the physical condition shall be made by the physical therapist soon after enrollment into a program or at the beginning of treatment. This information, including established treatment goals, shall be incorporated into the child's permanent behavioral record. Instructions given to the parent for a home program shall also be recorded.

(8) Occupational therapists' qualifications and programming.

(a) Licensure. The occupational therapist shall be currently registered with the American occupational therapy association.

Note: After July 1, 1977, full-time and half-time employed occupational therapists shall hold department licensure as an occupational therapist.

(b) Programming.

1. The type of disability and requirements for occupational therapy shall be considered in determining the therapist caseload. Twelve children shall be a minimal daily caseload for a full-time occupational therapist. Pro-rata reimbursement of part-time personnel is permissible.

2. The occupational therapist shall be an M-team member if the child is being evaluated for possible occupational therapy supportive services. In addition to providing a treatment program for the child, the occupational therapist may work in conjunction with the physical therapy and educational personnel in the school setting to provide an overall developmental program. The occupational therapist shall have medical prescription and medical information from an orthopedist or physiatrist or pediatrician before a child is enrolled in the program. The prescription shall be renewed annually.

3. A large number of children with neurological dysfunction are served in special education classes. Therefore, it is strongly recommended that therapists working in such programs need specific training and experience in neurodevelopmental techniques.

4. There shall be a reciprocal exchange of medical and social information between the division and local professional personnel concerned with the child's school placement and total health needs. The district shall obtain an updated medical prescription and information yearly or more often if there is a change in the child's physical condition. PI 11.05 (2) (e) 7. requires medical prescriptions to substantiate any health treatment service pursuant to subchapter IV, chapter 115, Wis. Stats.

5. Each child receiving treatment shall have a complete and current record. An initial assessment of the child's abilities and the identification of treatment

goals shall be completed after enrollment or prior to the beginning of treatment. Instructions given to parents for a home program shall also be recorded. This information shall be included in the child's permanent behavioral record.

(9) Re-evaluations.

(a) Physical therapy. A yearly re-evaluation of the child shall be made.

Such re-evaluations shall include;

1. General physical condition - general behavior.

2. Physical development pattern - head control, independent sitting, use of extremities.

3. Functional self-care - independent feeding, able to hold pencil, dressing - independent, assisted, to what extent, toilet trained - assistance needed.

4. Effective speech - how are wants made known, response to verbal directions.

5. Ambulation - crutches, canes, special equipment, wheelchair.

6. Progress toward independence - measure of independent skill the child has achieved since the previous evaluation, as well as changes in behavior.

(b) The yearly re-evaluation shall be incorporated into the child's permanent behavioral record and shared with the physician and the division.

(c) Occupational therapy. A yearly re-evaluation of the child shall be made. Such re-evaluation shall include:

1. General physical condition - general behavior.

2. Physical development pattern - head control, independent sitting, use of arms and hands.

3. Functional self-care - eating, dressing, toileting, transfers, school-related skills and homemaking.

4. Effective communication - ability to understand directions and ability to make needs known.

5. Progress toward independence in self-care - communication and hand skills.

(d) The yearly re-evaluation shall be incorporated into the child's permanent behavioral record and shared with the physician and the division.

(10) Treatment equipment and materials.

(a) Proposed expenditures for treatment equipment and materials shall require advance approval of the division. Examples of equipment considerations may include:

1. Treatment tables.
2. Adjustable parallel bars.
3. Standing table.
4. Wheelchair.

(b) Material considerations may include:

1. Paper sheets.
2. Turkish towels.
3. Disposable diapers.
4. Cleansing agents.

(11) Student special transportation.

(a) Educational and medical treatment program. Sections 121.54 (3) and 115.88 (2), Wis. Stats. specify the responsibility of the LEA to provide transportation for children with EEN and the means for financial reimbursement, concerning attendance in either regular school or special school programs. A district may elect to enroll qualified youngsters in the regular school program which houses the medical treatment unit so as to enhance the availability of such service.

(b) Boarding home placements. Refer to PI 11.18 (8) (b).

(c) Transportation. Refer to PI 11.18 (8) (c).

PI 11.20 Diagnostic teacher.

(1) Policy. To assist LEAs, the division shall, under certain circumstances, approve the employment of a diagnostic teacher. Utilization of a diagnostic teacher shall be contingent upon prior employment or contract with a director in the LEA operating special education programs. A diagnostic teacher may be employed through a variety of administrative structures (PI 11.11 (1) (a) through (e)).

(2) Eligibility. In order to qualify for reimbursement of the position, the LEA shall meet the following requirements:

(a) To be eligible for a diagnostic teacher, the LEA operating the special education program shall have employed/contracted for the services of a level A director when the total number of programs reaches the requirements established by the division (table 1, page 28).

(b) The position shall be reimbursed on a half-time or full-time basis in an LEA.

(c) Teachers employed in this position shall spend 100% of their time with children with suspected and identified EEN in appropriate program areas.

(d) The district shall submit data to the division regarding the backlog of M-team referrals in specific program areas.

(e) This position shall not be used in lieu of the development of other special education program types.

(3) Reimbursement. See PI 11.11 (3).

(a) Written plan. Refer to PI 11.15 (3) (a).

(b) Prior approval. See PI 11.15 (3) (b).

(4) Diagnostic teacher requirements. The diagnostic teacher shall meet the requirements stated in PI 11.15 (4) (a) through (e).

(5) Role of the diagnostic teacher. The role of the diagnostic teacher shall be to provide for implementation of direct diagnostic/consultative services to children with suspected and identified EEN as contrasted to administrative decision-making or supervision of teaching personnel. The purpose of this position shall be to assist the special education administrative/instructional personnel and regular education teaching staff in the evaluation and instructional planning for children with suspected and identified EEN.

(a) General responsibilities shall focus upon providing diagnostic services to children with suspected and identified EEN. Another responsibility shall be to provide consultative services as stated in PI 11.15 (5) (a).

(b) Specific responsibilities shall include those responsibilities stated in PI 11.15 (5) (b) 1. - 8.

PI 11.21 Self-contained complete program type.

(1) Definition. A self-contained complete program is an educational program type operated by the public school which serves students with EEN in all instructional areas. This program type provides for maximum control of the educational and environmental intervention variables and is designed to serve children with severe EEN.

(a) Staff. This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students. Teacher aides shall be considered for special approval for this program type. Requests for aides shall receive prior approval from the division. Funding for this position shall be initiated on the date of approval.

(b) Enrollment. The enrollment for this program type may vary with a minimum of 5 children. Variation to the minimum enrollment shall require prior consultation with the division. The maximum enrollment variation shall be subject to review or negotiation, or both, between the LEA and the division.

(c) For each year subsequent to publication of these rules, the division shall publish, based on field experience and input, minimum/maximum ranges for each program type and level to be used as a basis for negotiating program approval.

(d) A program plan for this program type shall be submitted to the division for approval prior to the initiation of the program.

(e) Facility. The facility shall provide for maximum control of the educational and environmental intervention variables.

1. The facility shall meet all prescribed standards in the school building codes and shall be determined to be appropriate for the regular and exceptional needs of the children to be served and appropriate to implement the curriculum of the program area. This determination shall be made by the department.

(f) Responsibility/accountability. The responsibility and accountability for this program type shall rest with the director or the program designee.

PI 11.22 Self-contained modified program type.

(1) Definition. A self-contained modified program is a special education program type located in the regular or special school building which serves students with EEN in all instructional areas, but in which the entire class may go to a different teacher or the teacher may come to the special classroom for instruction in specific curriculum areas. This program type provides for a high degree of control of the educational and environmental intervention variables and

is designed to serve children with moderate to severe EEN.

(a) Staff. This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students. Subject area specialists serving this program type shall meet the certification standards of their particular subject area and level. If this program type is operated within a special school, subject area specialists shall be duly certified in both special and regular education per standards of the department. Teacher aides shall be considered for special approval for this program type. Requests for aides shall receive prior approval from the division. Funding for this position shall be initiated on the date of approval.

(b) Enrollment. The enrollment for this program type may vary with a minimum of 7 children. Variation to the minimum enrollment shall require prior consultation with the division. The maximum enrollment variation shall be subject to review or negotiation, or both, between the LEA and the division.

(c) Ranges. See PI 11.21 (1) (c).

(d) Program plan. See PI 11.21 (1) (d).

(e) Facility. The facility shall provide for a high degree of control of the educational and environmental intervention variables and shall meet the requirements stated in PI 11.21 (e) 1.

(f) Responsibility/accountability. See PI 11.21 (f).

PI 11.23 Self-contained integrated program type.

(1) Definition. A self-contained integrated program is a special education program type located in a regular or special school which serves students with EEN in the majority of instructional areas, but in which individual pupils are integrated into other regular, or special, or both education programs. The

teacher of the self-contained program type provides consulting services (section 115.83 (1) (b), Wis. Stats.) to regular education personnel, or special education personnel, or both. This program type provides for control of the educational and environmental intervention variables based on the individual child's needs. The program operates 5 days a week on a full-time basis.

(a) Staff. This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students. Teacher aides shall be considered for special approval for this program type. Requests for aides shall receive prior approval from the division. Funding for this position shall be initiated on the date of approval.

(b) Enrollment. The enrollment for this program type may vary with a minimum of 9 children. Variation to the minimum enrollment shall require prior consultation with the division. The maximum enrollment variation shall be subject to review, or negotiation, or both between the LEA and the division.

(c) Ranges. See PI 11.21 (1) (c).

(d) Program plan. See PI 11.21 (1) (d).

(e) Facility. Control of the educational and environmental intervention variables shall be determined by individual children's needs based on the principle of the least restrictive alternative (appendix H). The facility shall also meet the requirements stated in PI 11.21 (e) 1.

(f) Responsibility/accountability. See PI 11.21 (f).

PI 11.24 Resource room program type.

(1) Definition. A resource room program is a special education program type located in a regular school, where the teacher provides for instruction in

specific skill areas and the children with EEN enrolled in this program are integrated into the regular academic programs. The resource room teacher provides consulting services (section 115.83 (1) (b), Wis. Stats.) and provides supplemental curriculum to the regular education program and regular education staff. This program type provides for a minimum control of the educational and environmental intervention variables and operates 5 days a week on a full-time or part-time basis.

(a) Staff. This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students. The program may include supportive staff. Teacher aides shall be considered for special approval for this program type. Requests for aides shall receive prior approval from the division. Funding for this position shall be initiated on the date of approval.

(b) Enrollment. The enrollment for this program type may vary with a minimum of 15 children. Variation to the minimum enrollment shall require prior consultation with the division. The maximum enrollment variation shall be subject to review, or negotiation, or both between the LEA and the division.

(c) Ranges. See PI 11.21 (1) (c).

(d) Program plan. See PI 11.21 (1) (d).

(e) Facility. See PI 11.23 (e) 1.

PI 11.25 Itinerant program type.

(1) Definition. An itinerant program is a special education program in which the teacher serves students in several schools. This program operates 5 days a week. The itinerant teacher serves as a consulting teacher (section 115.83 (1) (b), Wis. Stats.) to regular and special education personnel.

(a) Staff. This program type shall have a minimum of one certified special education teacher within a particular program area assigned to a designated number of students. The itinerant teacher shall be assigned administratively to a specific public school but the itinerant teacher shall provide services to students with EEN attending other public schools. Speech and language are itinerant programs, except for established classroom speech and language types. The itinerant program shall not be eligible for teacher aides.

(b) Enrollment. The enrollment for this program type may vary with a minimum of 15 children. Variation to the minimum enrollment shall require prior consultation with the division. The maximum enrollment variation shall be subject to review, or negotiation, or both between the LEA and the division.

(c) Ranges. See PI 11.21 (1) (c).

(d) Program plan. See PI 11.21 (1) (d).

PI 11.26 Homebound instruction program type.

(1) Definition. A homebound instruction program is a special education program in which a teacher serves children with EEN in the home, a hospital, a sanitarium or a convalescent home. The program may include not only direct teaching services but also correspondence courses and telephone instruction. The operation of the program shall be based on the number of children with EEN who require such services.

(a) Staff. This program type shall require a teacher to hold a valid Wisconsin teacher's license. The division strongly recommends that a teacher hold licensure in a specific program area if serving a child who is representative of a particular disability. The itinerant homebound program shall not be eligible

for teacher aides, although group instruction programs in a hospital, a sanitarium or a convalescent home shall be.

(b) Enrollment. Enrollment within this program type shall require all of the following:

1. A physician's statement on a prescribed form from the division shall be submitted declaring the child physically or emotionally unable to attend school.

2. The physical or emotional incapacity to attend school shall be anticipated as continuous over 30 days.

3. The M-team shall recommend that homebound instruction is the most appropriate program to meet a child's EEN.

4. No child shall be eligible whose primary disability is defective vision, defective hearing, defective speech or other physical handicaps when special education programs and services are available unless the nature of the physical disability prevents attendance in such programs.

5. The child with EEN shall be formally enrolled in the public school system during the period of instruction in the homebound program.

(c) Ranges. See PI 11.21 (1) (c).

(d) Responsibility/accountability. See PI 11.21 (f).

PI 11.27 Program levels.

(1) Consideration shall be given to the chronological age range of 3 to 21, as described in sections 115.76 (2) and 115.77 (4) (a), Wis. Stats. and a grade range of early childhood through grade 12. Each of these program levels shall be considered within the 6 program types described in PI 11.21 through PI 11.26. Program levels are defined in terms of the chronological age range and grade range.

(a) Early childhood.* This program level shall include a chronological age range of 0 through 5 years - 11 months. This program level shall correspond to the regular school grade range of prekindergarten through kindergarten.

(b) Primary. This program level shall include a chronological age range of 6-0 through 8-11 and shall correspond to the regular education program grade range of kindergarten through third grade.

(c) Intermediate. This program level shall include a chronological age range of 9-0 through 11-11 and shall correspond to the regular education grade range of fourth through sixth grade.

(d) Elementary wide range.* This program level shall include a chronological age range of 6-0 through 11-11 and shall correspond to the regular education grade range of first through sixth.

(e) Middle school/junior high. This program level shall include a chronological age range of 11-0 through 14-11 and correspond to the regular education grade range of sixth through ninth. The middle school/junior high program level may include a variation to this chronological and grade range according to the local district's organization of educational programs.

(f) Senior high. This program level shall include a chronological age range of 15-0 through 20-11 and shall correspond to the regular grade range of ninth through twelfth. The senior high school program level may include a variation to the chronological and grade range according to the local district's organization of senior high school.

(g) Secondary wide range.* This program level shall include a chronological age range of 12-0 through 20-11 and correspond to the regular education grade range of seventh through twelfth. A secondary wide range program level shall incorporate the middle school/junior high and senior high program levels described above.

*The development of the above program levels shall require prior consultation with the division, pursuant to sections 115.77 (4) (b) and (c) and 115.83 (1) (a), Wis. Stats.

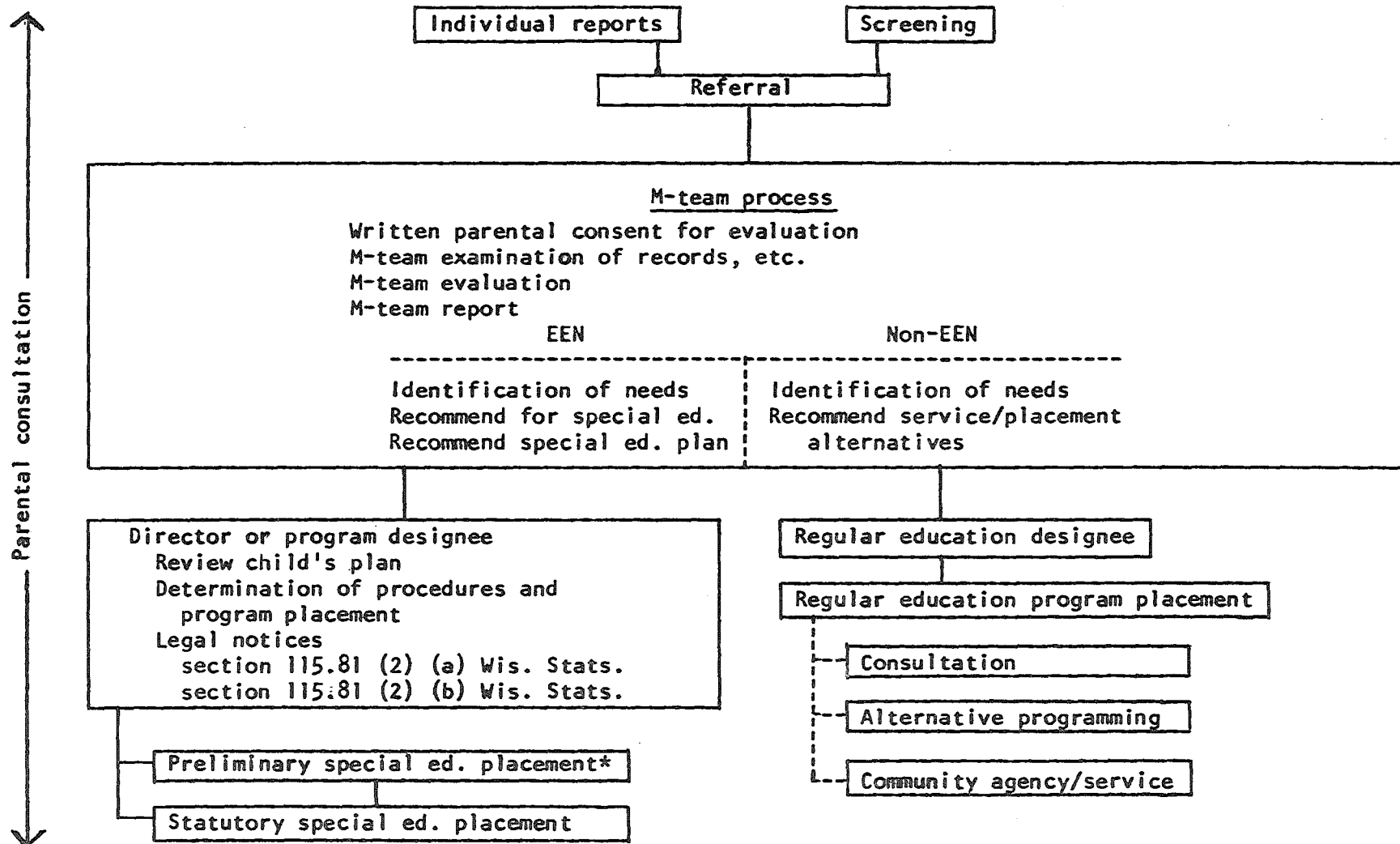
Program levels - chronological age and grade**

<u>Program levels</u>	<u>Chronological range</u>	<u>Usual grade range</u>
L-1 Early childhood	0 - 5	-----
L-2 Primary	6 - 8	1 - 3
L-3 Intermediate	9 - 11	4 - 6
L-4 Elementary (wide range)	6 - 11	1 - 6
L-5 Middle/junior high	11 - 14	6 - 9
L-6 Senior high	15 - 20	9 - 12
L-7 Secondary (wide range)	12 - 20	7 - 12

**These program levels shall not preclude the flexibility of placement of a youngster outside these levels due to reasons concerning the severity of the child's EEN.

Appendix A

M-teams and placement process



Parental consultation

*If parents agree with the 1) recommendation for special education, 2) recommended individual special education plan and program placement, parents may authorize preliminary placement pending written consent following notice procedures under sections 115.81 (2) and 115.85 (2), Wis. Stats. Notices shall be sent by district clerk or designee. Parents may authorize preliminary placement without prejudice to any rights that the child or parent have pursuant to sections 115.80 and 115.81, Wis. Stats.

Appendix B

The department identification number system for children with EEN

The superintendent recently adopted policies relating to pupil records as required by the Family Educational Rights and Privacy Act of 1974. Section 11 (i) relates to the need of the division to monitor and receive information on children with EEN in order to carry out its obligations as mandated in subchapter IV, Chapter 115, Wis. Stats. The department subsequently has adopted rules relating to records of children with EEN. Pursuant to PI 11.05 (2) (b), districts shall utilize the identification number system provided by the division in those instances where the parent fails to consent to release of pupil records with the child's name.

The identification number system shall utilize certain specific data on each individual and shall meet the following criteria:

- (1) Logically descriptive; the unique identifier shall consist of elements which describe some characteristics of the individual being identified.
- (2) Simplicity of structure; the elements shall be simple to derive and they must be easily available with a high degree of accuracy.
- (3) Capability for automated assignment; the number shall be of such a nature that initial assignment and verification can be accomplished via a computer.
- (4) Ease of the manual assignment and retrieval; the number shall be made up of elements that are logical and simple enough for the user to understand.
- (5) Confidentiality; assignment of the identification number shall leave the identification of the individual solely with the LEA.

The procedures for assigning unique identification numbers shall be as follows:

- Step 1: The first 2 letters of the individual's last name.

Step 2: The individual's birthdate which is the number of month, day and last 2 digits of the year (month, day, year).

Step 3: The individual's sex by code (1 = male, 2 = female).

Step 4: A 2-digit tie breaker, if needed (01, 02,gives 99 possibilities).

This provides for the unique identification of 2 or more individuals who have the same first 2 letters of the last name, same birthdate and same sex code.

	<u>Name</u>	<u>Birthdate</u>
Example 1:	Sally Doe	6-15-66
D0 - First 2 letters of last name		
06-15-66 - Birthdate		
2 - Sex code (1 = male, 2 = female)		
01 - Two-digit tie breaker		
The unique identifier shall read as follows: D0-061566-201		

Example 2:	Arnold Higgenbothen	6-15-66
H1 - First 2 letters of last name		
06-15-66 - Birthdate		
1 - Sex code (1 = male, 2 = female)		
01 - Two-digit tie breaker		
The unique identifier shall read as follows: H1-061566-101		

Example 3: (for needed tie breakers)

	James Higgenbothen	6-15-66
H1 - First 2 letters of last name		
06-15-66 - Birthdate		
1 - Sex code (1 = male, 2 = female)		
02 - Two-digit tie breaker		
The unique identifier shall read as follows: H1-061566-102		

(Refer to examples 2 and 3 - here are 2 children with the same first 2 letters of the last name, same birthdate and same sex code, hence the 2-digit tie breaker shall read 01 and 02, respectively.)

The unique identifiers shall read as follows for examples 2 and 3:

Arnold Higgenbothen HI-061566-101

James Higgenbothen HI-061566-102

Whenever districts are required to provide data to the division and parents have not given consent, the material shall be identified with an identification number using the above system.

Appendices C, D, E, F and G

Foreword to appendices: The following forms are intended as examples only. Districts may feel free to change the style of these forms but shall take care to retain their substantive content.

Appendix C

Recommended form to comply with PI 11.03 (10) and PI 11.06 (4) (e).

TO: _____

This is notice, given pursuant to section 115.81 (2) (a), Wis. Stats., to inform you that your child _____ (child's name) _____ has been determined to have exceptional educational needs and has been recommended for placement in a special education program. The multidisciplinary team which made this recommendation gives the following reasons for its decision:

Appendix D

Recommended form to comply with PI 11.03 (11) and PI 11.06 (4) (f).

TO: (name of parent)

This is a notice given pursuant to section 115.81 (2) (b) (or (c)), Wis. Stats., to inform you that the school board has decided to place (or remove) your child in (or from) (name of special education program) . The board gives the following reasons for its decision:

If you believe the board has placed your child in a special education program that does not satisfactorily serve his needs (or has failed to place your child in a special education program that would benefit the child), you have a right to request a hearing before the school board or a person appointed by the board. You must request the hearing, in writing, within 4 months of this notice. The request should be addressed to:

 (name of local contact person, see note below:)

In deciding whether to request a hearing, you may take advantage of your right under section 115.81 (4), Wis. Stats., to "...have access to any reports, records, clinical evaluations or other materials upon which a decision relating to the child's educational program was wholly or partially based or which could reasonably have a bearing on the correctness of the decision..." If you believe the diagnosis or the evaluation of your child shown in the records available to you under section 115.81 (4), Wis. Stats., is in error, section 115.81 (5), Wis. Stats., allows you to request an independent evaluation of your child and to present the report of that evaluation as evidence in the hearing. If you are

unable to afford an independent evaluation, the school district shall reimburse you for the reasonable expenses of the evaluation. You shall have the following rights at the hearing, as provided in section 115.81 (4), Wis. Stats.:

(1) The choice of a private or public hearing.

(2) The right to appear in person and be represented by an advocate or by counsel.

(3) The right to call, examine and cross-examine witnesses, including any school official, employe or agent of the school district or public department who may have evidence upon which the decision was based.

(4) The right to introduce evidence.

(5) The right to receive a detailed summary or a complete transcript of the hearing record upon request.

Note: It is recommended by the division that a board choose a single individual to serve as the contact person. The director may perform this task. The contact person shall be available to answer the parent's questions about the board's decision and the appeal process.

Appendix E

- A. Recommended form of written parental consent for an early program change to comply with PI 11.06 (4) (g).

I, (name of parent) , hereby consent to a change in the program of my child (name of child) . I am aware that I have a right to withhold consent to this change. I also understand that without my consent no change may be made in my child's program until (date) , the end of the 4-month period during which I may appeal or, if an appeal is filed, until a decision is reached on appeal unless the school board determines that delay would endanger the health and safety of the child or other persons.

- B. Recommended form of notice of placement if program change is necessary for health or safety of the child or others.

This is a notice to inform you that your child (name of child) will be placed in the (name of program) special education program effective (date) . The school board considers this placement necessary for the following reasons:

(State reasons why delaying the change in program would endanger the health or safety of the child or others.) This placement does not prejudice your right to appeal the school board's decision within 4 months from (specify date of letter to parent regarding school board's decision to place or remove (PI 11.06 (4) (f)).

Appendix F

Recommended form for notice of hearing pursuant to PI 11.06 (6) (a).

TO: (name of parent)

This is to notify you that, pursuant to section 115.81 (6), Wis. Stats., and in response to your request of (date of appeal request) , an appeal will be held on at o'clock. You have indicated you prefer a (private or public) hearing. This hearing will be conducted by (the school board or designated members thereof or an appointed hearing officer.) It will be held at (place) .

Appendix G

Recommended form to comply with PI 11.02 (1) (b) 4. and PI 11.06 (4) (j)

Date referral received by district: _____

(Name of School District)

(Name of School)

1. Name of student: _____ Date: _____
(last) (first) (middle)

2. Address of student: _____
(number) (street) (city) (zip code)

Address of parent: _____
(if different) (number) (street) (city) (zip code)

3. Telephone number: _____ 4. Date of birth: _____
(month-day-year)

5. Grade in school: _____ 6. Suspected EEN
 Suspected non-EEN

7. If suspected EEN, check suspected handicapping condition(s):
- (a) Physical, crippling or orthopedic disability.
 - (b) Mental retardation or other developmental disabilities.
 - (c) Hearing impairment.
 - (d) Visual disability.
 - (e) Speech or language disability.
 - (f) Emotional disturbance.
 - (g) Learning disability.
 - (h) Pregnancy, including up to 2 months after the birth of the child or other termination of the pregnancy.

8. Specific reason for referral: (Please attach any relevant information) _____

9. Name of referring person: _____ Title: _____
Agency: _____
Address: _____
Phone: _____

10. Have parents been notified? Yes No Date: _____
In what manner? _____

Appendix H

Program types and levels - the least restrictive alternative.

PI 11.21 through PI 11.27 are designed to assist special education planners and school system personnel in providing a broad range of service alternatives for individual exceptional children and youth with EEN. This broad range of program types and levels is fundamentally based upon the principle of the "least restrictive alternative" enunciated by the courts in a recent series of litigations.

Basically, courts have insisted that when a governing organization seeks to restrict a person's fundamental liberty, it shall use the least restrictive alternative available. For schools, the least restrictive alternative implies that among all the alternatives for placement within the general educational system, children with EEN shall be placed where they can obtain the best education at the least distance away from the mainstream of their peers. Inherent in this concept is the implication that regular education has some appropriate program elements unavailable in special education, hence the need to consider accommodations within the mainstream where feasible. The department's support of the concept of the least restrictive alternative was clearly articulated in "Credo for Mainstreaming," an article written in 1972 and published in the "Bureau Memorandum," Vol. 13, No. 3, which emphasized the need for inservice procedures and training of regular and special staffs in mainstreaming principles. The imperative need for inservice and training to ensure successful implementation of any model of accommodation will not be reiterated, but reference to this position statement is suggested.

Special education in the seventies is stressing individualized diagnosis, educational assessment and instructional planning and is also emphasizing the integration of exceptional students through flexibility of placement

options in the program delivery system. There is a deemphasis on the importance of categorization and labels as the rationale for setting educational goals and expectations for individuals or groups of children. However, the department and LEAs are implementing the mandates of subchapter IV, chapter 115, Wis. Stats., within certain disability and program parameters and restraints established by the legislature and the executive office. While specific disabilities are initially identified through the screening and M-team process, the emphasis in assessment and instructional planning is on determination of EEN, development of an educational prescription related to these needs and provision of appropriate educational, supportive and ancillary program offerings through a broad array of special education services. Categorization is used for administrative purposes of budgeting and differentiating costs of programs/services which require personnel, equipment, facilities, resources and statistical reporting as required by laws established by the state legislature and the congress.

Thus, the major emphasis in subchapter IV, chapter 115, Wis. Stats., is on the design of appropriate individualized plans for children with identified EEN and a broad array of programs, services and delivery alternatives to meet these identified educational and treatment needs. Under the rubric of mainstreaming, accommodation or the least restrictive alternative, a number of conceptual or theoretical models have been advocated to enable the provision of a wide variety of services in a number of alternative educational settings. Special educators are familiar with the Willenberg, Deno, Reynolds prototypes. Each of these systems assumes that the greater number of children with mild exceptionality require some accommodation in the mainstream. The more complex the educational problem, the more restrictive the educational environment becomes from a service delivery standpoint.

None of these prototypic models is fully appropriate to the Wisconsin experience and current educational scene. Like most models they are only

theoretical prototypes useful in the design and development of individual programs. For example, most cascade or pyramidal models designate residential hospital programs as the most restrictive alternative based upon the severity and complexity of the small number of children with EEN requiring these 24-hour settings. Yet in Wisconsin, many residential institutions functioning under the normalization principle place some of the most severe cases of exceptionality in community settings with immediate expectancy for public school programming. Also, the federal district court for the eastern district of Wisconsin has recently upheld the department's definition of "local" programs to include not only the resident district but programs in adjoining districts, CHCEBs, CESAs and the state residential schools as opposed to an "immediate accessibility" concept. All of these programs and service systems are feasible within the public school network and receive financial support from state/local public school auspices. Thus, it is not anticipated that every district will establish a program for low incidence EEN. Districts shall, however, facilitate the provision of "local" services through some public school administrative delivery system in most instances.

For these reasons the department has developed its own conceptual model (Appendix I) for program types and levels encompassing some of the elements of the cascade and pyramidal systems but revised in the light of the Wisconsin experience with children with EEN. This conceptual model shall be tested and evaluated as a standard for devising a total program within an LEA. It represents another step in a conscious planning effort to move to the least restrictive alternative approach to programming for children with EEN. It should be kept in mind that the steps indicated in the model represent program accountability terms and are not necessarily totally descriptive of the particular type of educational service being provided to a particular child placed within any one of the alternatives.

The service model is partially based upon the varying program types considered within PI 11.21 through PI 11.26. Like most models it calls for implementation of various new educational alternatives and options in addition to more traditional special classes and separate special schools. It presents a continuous series of less restrictive alternatives which permit the placement and transfer of students with EEN in either direction away from or back towards the regular education options. It should further be understood that at a particular time in a child's life, dependent upon the specific EEN, the child may be placed directly within or provided any one or more of the model's component elements without necessarily progressing through any of the other program/service options. For example, a severely retarded child may be placed directly in a self-contained complete program yet receive the additional services of an itinerant language clinician and a physical therapist if these service needs have been determined by the M-team.

One precautionary statement is needed. The least restrictive alternative concept is based upon designated individual program/service needs rather than fiscal economies or available physical facilities. Although caseloads of itinerant specialists may be somewhat larger in number than enrollments in resource rooms or in the various self-contained elements of the model, this does not imply departmental encouragement for over-utilization of the itinerant approach as a panacea for reducing programming costs. Program placement and service delivery shall be based upon an individual instructional plan which recognizes that alternative services shall match identified needs. What is implied is the need for a balanced continuum of program/service options within the total delivery system.

LEAs shall use this model as a standard for conceptualizing and designing a total program tailored to the individual needs of each Wisconsin educational agency.

The division encourages the implementation of new pilot or innovative approaches which field test other instructional intervention techniques not covered in the current model. LEAs interested in initiating experimental approaches shall obtain prior approval from the division. The agency shall submit definitive program statements including:

- (1) Overall goals.
- (2) Specific programmatic objectives.
- (3) Staffing procedures.
- (4) Types of enrollees.
- (5) Expected outcome.
- (6) Evaluation procedures.

The least restrictive alternative system

