Wisconsin Department of Public Instruction
STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES

POLICY AND BUDGET TEAM
ATTN: KATIE SCHUMACHER
267-9127 or katie.schumacher@dpi.wi.gov

GENERAL INFORMATION		
Rule No.	Relating to	Rule Type
PI 11	Identification of Children with Significant Developmental Delay (SDD)	Emergency and Permanent

SIGNATURE		
State Superintendent Review	State Superintendent Signature	Date Signed Mo./Day/Yr.
☐ Approved. *Begin Drafting Rule* ☐ Disapproved. *Reason for Disapproval*	➢	

NARRATIVE

Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for this statement of scope.

1. Finding/nature of the emergency (Emergency Rule only).
An emergency rule may be needed so this rule change is in effect prior to the beginning of the 2015-16 school year. This will ensure that identification of children with significant development delay is performed consistently throughout the school year. If this rule is not effective prior to the beginning of the school year, school districts will have to implement one set of procedures for part of the school year and then change procedures when the rule takes effect. This would make implementation of the change in identification of significant development delay more difficult and would result in children being treated differently based on when they were evaluated.

2. A description of the objective of the proposed rule.
20 U.S.C. 1401(3)(B) permits the identification of children with significant developmental delay (SDD) through the age of nine rather than six. This proposed rule change will consider changes to PI 11 based on that option.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.
Allowing a child with SDD to be identified through the age of nine will provide a longer window of time to assess whether the child has a specific disability, thus addressing difficulties with accurate assessment and labeling certain children beyond age 6 who are still in need of educational interventions.

4. The statutory authority for the proposed rule.
Under s. 227.11(2)(a)(intro), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." As such, PI 11 is required to effectively implement and provide transparency to the programs involving children with disabilities under Subchapter V of ch. 115, Stats.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.
The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.
The proposed rule would impact local educational agencies that provide programs to children with disabilities in Wisconsin.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.
20 U.S.C. 1401(3)(B) permits the identification of children with significant developmental delay (SDD) through the age of nine.