

GENERAL INFORMATION		
Rule No. PI 11	Relating to Incorporating Intellectual Disability Terminology and Concepts	Rule Type Emergency and Permanent

SIGNATURE		
State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature ➤	Date Signed Mo./Day/Yr.

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 the same intellectual disability criteria are applied to children 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 intellectual disability criteria more difficult and may result in children being treated differently based on when they were evaluated for an intellectual disability.

2. Detailed description of the objective of the proposed rule.

This proposed rule change may adjust the terminology, definition, and eligibility contained in PI 11.36 (1), or a combination thereof, to align with language used in federal law (Rosa’s Law, Pub. L. 111-256) and with the American Association on Intellectual and Developmental Disabilities’ classification manual, Intellectual Disability: Definition, Classification, and Systems of Supports, 11th edition (2010).

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives.

The language in PI 11.36 (1) uses cognitive disability. The term cognitive disability and its definition are not consistent with current means of determining whether someone has an intellectual disability. As a result, cognitive disability may be changed to intellectual disability and the definition of and determination of an intellectual disability may be changed to align with the American Association on Intellectual and Development Disabilities’ classification manual, Intellectual Disability: Definition, Classification, and Systems of Supports, 11th edition (2010) and to include current terminology used in the Wisconsin Model Early Learning Standards.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language).

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. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary 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. List with description of all entities that may be affected by the proposed rule.

This will affect school districts.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule.

N/A.
