

## PUBLIC INSTRUCTION

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## Chapter PI 11

# **RULES IMPLEMENTING SUBCHAPTER IV OF CHAPTER 115, WIS. STATS.**

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**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.

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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).✓

**History:** Cr. Register, December, 1975, No. 240, eff. 1-1-76.

**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.✓

(1)(e)

**History:** Cr. Register, December, 1975, No. 240, eff. 1-1-76.

**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

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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).

**History:** Cr. Register, December, 1975 No. 240, eff. 1-1-76.

**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.

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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). ✓

History: Cr. Register, December, 1975, No. 240, eff. 1-1-76.

**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. ✓

## WISCONSIN ADMINISTRATIVE CODE

**Program levels—chronological age and grade\*\***

<b>Program levels</b>	<b>Chronological range</b>	<b>Usual grade range</b>
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.**

**History:** Cr. Register, December, 1975, No. 240, eff. 1-1-76.