

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 subch. IV, ch. 115, Stats. to any child excluded from school.

(2) **SCREENING.** (a) 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 4 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.

History: Cr. Register, December, 1976, No. 240, eff. 1-1-76.

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 s. 115.76 (3) (a) through (i), 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

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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 employees 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 employees 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 employee, 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.

(e) Pursuant to ss. 115.80(3) and 115.53(5), Stats., a district may utilize the services of designated staff, excluding management staff, of

the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf to serve on district M-teams, consistent with legal requirements for M-team staffings and subject to the following conditions:

1. "Designated staff" are those staff members whose services are made available to the district by the management staff of the schools. The schools' superintendents shall make the determination of the availability of staff to the extent that schedules, obligations, and resources at the state schools permit.

2. When the services of the schools are used for diagnostic purposes, the evaluation itself may be conducted in the district, at the appropriate state schools, or a combination thereof, dependent upon the specifics of each case.

3. When the services of the schools are utilized for diagnostic purposes, the final M-team staffing shall be conducted in the district, at the appropriate state school, or at some other location convenient for the parents.

4. The professional recommendations made by staff members of the Wisconsin school for the visually handicapped and the Wisconsin school for the deaf, when serving as members of district M-teams, shall not be construed to be those of the department. No state school staff members, whose services have been designated as available to the districts for diagnostic purposes, shall participate in any review of an appeal brought to the state superintendent.

(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 employees 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 an M-team has determined that a child has a disability, handicapping condition (s), a need for special education and is, therefore, a child with 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 s. 115.81 (2) (b), 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.

1. M-team examination of comprehensive records and consultation with facility staff relative to students in state and county operated residential public facilities who are being transferred or returned to the community may be sufficient to appropriately place the student in a special education program or service in the community.

(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 (s. 115.81 (2) (a), Stats.).

(11) PARENT NOTIFICATION. The parent shall be notified in writing of the district placement decisions (s. 115.81 (2) (b), 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.

History: Cr. Register, December, 1975, No. 240, eff. 1-1-76; am. (5) (intro.) and cr. (6) (c) 1, Register, November, 1976, No. 251, eff. 12-1-76; cr. (3) (e), Register, November, 1978, No. 275, eff. 12-1-78.

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 s. 115.85 (2), 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 s. 115.85 (2) (a), 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

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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.

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

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).

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(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)).

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

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, following PI 11.11).

(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.

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(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 through the 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, educational 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 s. 115.83 (1) (b), 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.

History: Cr. Register, December, 1976, No. 240, eff. 1-1-76; am. (4) (c), Register, November, 1976, No. 261, eff. 12-1-76; (3) (a), Register, November, No. 276, eff. 12-1-78.

PI 11.16 School psychological services. (1) **CONTRACTING.** School districts may utilize the services of certified school psychologists through a variety of administrative arrangements.

- (a) School district employment
- (b) Contract with a cooperative educational service agency (CESA)
- (c) Purchase of service through contract with another school district
- (d) Cooperative agreement by 2 or more school districts under s. 66.30 Stats.
- (e) Assignment to the district by a county handicapped children's education board (CHCEB)
- (f) Contract with a county handicapped children's education board (CHCEB)

(2) **ANNUAL PLAN OF SCHOOL PSYCHOLOGICAL SERVICES.** Annually, on or before February 1, preceding the beginning of the fiscal year (July 1 - June 30) during which the plan is to take effect, each school district,

(4) **FORMAL PUBLIC HEARING.** (a) If after the pre-hearing conference the superintendent determines that a public hearing is necessary, notice of time, date and place and purposes of a public hearing to be held in the district shall be sent to all parties and notice of the hearing shall be given in the newspaper likely to give notice in the district.

1. An official record of the hearing shall be kept including a verbatim record of the proceedings at the hearing together with all exhibits. The record of the hearing may be a tape recording.

2. The complainants may present evidence relative to the complaint that the district is not providing equal educational opportunities for children with EEN.

(b) The superintendent shall make findings within 10 days following the public hearing in the district, including a finding that the district has denied equal educational opportunities to children with EEN or a finding that the district is in compliance relative to the specific complaints in the allegation.

(5) **REMEDIAL PLAN.** After the superintendent has found that a district has denied equal educational opportunities to children with EEN, the superintendent, through the division, may make recommendations to the district to remedy the denial of equal educational opportunities, and shall order development by the district of a remedial plan and implementation of that plan within 3 months of receipt of the order by the district.

(6) **INADEQUATE IMPLEMENTATION.** If, following consultation with the board, the superintendent finds that implementation of the plan has been inadequate to remedy the denial of equal educational opportunities, the superintendent shall request the attorney general to proceed against the district for its non-compliance with the superintendent's order.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

PI 11.29 Special education program aides. (1) **POLICY.** To ensure that all instructional units have adequate support services the LEA may utilize a special education program aide when appropriate. It is not the department's intent that all units are provided with a special education program aide.

(2) **ELIGIBILITY.** Eligibility for a special education program aide shall be based on the following:

(a) Evidence of an enrollment increase beyond the recommended maximum in the particular program type/level of program unit. (PI 11.21 (1) (c)).

1. Use of a special education program aide shall not be approved where the enrollment has increased to a point where a second teacher should be employed.

(3) **EXCEPTIONS.** Exceptions shall be approved based on the following:

(a) Evidence that use of a special education program aide is necessary to assist with certain children who might otherwise be difficult to manage or difficult to educate.

(b) Evidence that use of a special education program aide is necessary on school buses to assist in management control where there are reported problems and the safety of the children is a factor.

(c) Evidence that a special education program aide is necessary to assist a physically handicapped child to accommodate to a regular classroom situation.

(d) Exceptions covered under PI 11.29 (3) (a) (b) and (c) shall require prior approval from the division.

(4) **REIMBURSEMENT.** The department shall reimburse the employing LEA for the salary and fringe benefits of certified special education program aides at 70% (PI 11.35 (2) (a) 1.) when the following criteria are met:

(a) For the first year, a written plan shall be submitted by the LEA to the program area supervisor. The program plan shall include the following elements:

1. Program rationale.
2. Clearly articulated need.
3. Aide role and function.
4. Work schedule.
5. Any other information requested by the division.

(b) Need for this position shall be reviewed yearly.

(c) Reimbursement for this position shall be contingent upon prior approval of the program area supervisor.

(5) **SPECIAL EDUCATION PROGRAM AIDE REQUIREMENTS.** The individual shall hold a 3 year license as a special education program aide. An individual holding a license to teach in regular or special education shall not be required to obtain a license as a special education program aide.

(6) **SUPERVISION.** In the classroom, special education program aides shall be under the direct supervision of a certified special education teacher. In cases where special education program aides are not functioning in the classroom, they shall be under the supervision of a director or supervisor or both.

(a) Use of this position shall not reduce, remove or transfer the teacher's authority or responsibility.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77; am. 157, Register, November, 1978, No. 275, eff. 12-1-78.

PI 11.31 Relationships with private sector. (1) **INTENT.** This section shall define the relationships between the private sector, local districts and the department consistent with subch. IV, ch. 115, Stats., legal opinions and the rules.

(a) For the purpose of this section, private schools shall mean any school which is non-public. See PI 11.04 (1) (d).

(2) **SERVICES.** LEAs shall provide only the EEN services as determined by statutory and rule definition, s. 115.80 (3), Stats., with the following conditions:

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(a) *Evaluation.* District staff may carry out M-team assessment activities within private schools. If the district elects not to carry out M-team