

(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. 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 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 s. 115.85 (2) (b), Stats., if an LEA cannot provide an appropriate program as described in par. (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 par. (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 s. 115.85 (2) (c) and (d), 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 s. 115.85 (2) (a) and (b), 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 s. 115.85 (2) (d), Stats., or by any public or private non-sectarian program in another state as described in s. 115.85 (2) (c), 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

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securing the approval of the superintendent. The private special education service shall be requested to provide evidence, pursuant to s. 115.85 (2) (d), 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 s. 115.85 (2) (e), 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 s. 115.85 (2) (c) and (d), 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.

History: Cr. Register, December, 1975, No. 240, eff. 1-1-76; reprinted to correct error in (b), Register, April, 1983, No. 328.

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 II (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 man-