

## Chapter PI 11

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

PI 11.01	Definitions	PI 11.21	Self-contained complete program type
PI 11.02	Referral and screening	PI 11.22	Self-contained modified program type
PI 11.03	Multidisciplinary team (a) (M-team)	PI 11.23	Self-contained integrated program type
PI 11.04	Placement process	PI 11.24	Resource room program type
PI 11.05	Exceptional education children records	PI 11.25	Itinerant program type
PI 11.06	Hearings and appeals	PI 11.26	Homebound instruction program type
PI 11.11	Director	PI 11.27	Program levels
PI 11.12	Assistant director	PI 11.28	Non-complying districts
PI 11.13	Program supervisor — level A	PI 11.29	Special education program aides
PI 11.14	Program supervisor — level B	PI 11.31	Relationships with private sector
PI 11.15	Program support teacher	PI 11.32	M-team process
PI 11.16	School psychological services	PI 11.33	Placement, student's individual educational program (IEP)
PI 11.17	School social work services	PI 11.34	Eligibility criteria
PI 11.18	Educational services for school-age pregnant girls and mothers	PI 11.35	Reimbursement
PI 11.19	Supportive services: physical and occupational therapy		
PI 11.20	Diagnostic teacher		

**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 V, ch. 115, 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), 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 s. 115.76 (3), 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 (s. 115.85 (3), 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 s. 118.125 (1) (b), 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.

10. Cooperative agreement, 66.30 means special education programs operated by 2 or more districts or CHCEBs under a cooperative agreement as provided in s. 66.30, Stats.