

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 20-072
CHAPTER PI 11
CHILDREN WITH DISABILITIES

Analysis by the Department of Public Instruction

Statutory authority: s. 227.11 (2) (a) (intro.), Stats.

Statute interpreted: s. 115.762 (3) (a), Stats.

The proposed rule seeks to amend ch. PI 11 with respect to the following:

- 1) Revising s. PI 11.36 (3) to update terminology and eligibility criteria for pupils that have a visual impairment to recognize pupils that are blind and visually impaired.
- 2) Revising s. PI 11.36 (4) to update terminology and eligibility criteria for pupils that have a hearing impairment to recognize pupils that are deaf and hard of hearing.
- 3) Creating a section recognizing deafblindness as an additional area of impairment under s. PI 11.36.

In addition to creating deafblind as an additional area of impairment, the changes noted above updates terminology and eligibility criteria relating to identifying pupils that are blind and visually impaired and pupils that are deaf and hard of hearing.

The hearing notice was published in the November 23, 2020 edition of the Wisconsin Administrative Register. A public hearing was held on December 14, 2020. No persons provided testimony at the hearing on December 14, 2020 or submitted written testimony.

Changes made as a result of oral or written testimony:

No changes were made.

Changes to the analysis or the fiscal estimate:

No changes were made.

Responses to Clearinghouse Report:

- a. The changes are accepted.
- b. The changes are accepted.
- c. The changes are accepted.
- d. The changes are accepted.
- e. The changes are accepted.
- f. A student who is deafblind may have hearing and visual losses that, if considered individually, may not meet the criteria for deaf or hard of hearing or blind or visually impaired, but the combination of these losses limits accessibility and impacts academic and functional performance. A student does not need to meet individual disability categories first to be identified as deafblind. As such, the department removed the references to s. PI 11.36 (3) and (4) in the final rule.

Other revisions by the department to improve implementation of the rule:

- a. The final rule replaces the word “visual” with “visually” under s. PI 11.36 (3) (a) (intro.) in order to make the language grammatically consistent across the rule.
- b. The final rule also amends s. PI 11.36 (3) (a) 2. in order to conform the rule with drafting guidelines for administrative rules.
- c. The final rule replaces the word “and” with “or” under s. PI 11.36 (4m) (a), since students are not deaf and hard of hearing, but are rather deaf or hard of hearing. The same applies for blind or visually impaired, which has not changed.