

## Report From Agency

### FINAL REPORT CLEARINGHOUSE RULE 21-095 CHAPTER PI 11 CHILDREN WITH DISABILITIES

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#### Analysis by the Department of Public Instruction

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

**Statute interpreted:** ss. 115.76 (5), 115.762 (3) (a), and 115.782 (4), Stats.

The objective of the proposed rule is to conform sections of ch. PI 11 of the Wisconsin Administrative Code, relating to orthopedic impairment, traumatic brain injury, and significant developmental delay disability categories, to other disability categories under ch. PI 11 that address the reevaluation criteria for special education. The reevaluation criteria are needed to address continuing eligibility for special education services and to ensure that students who may be making progress and may no longer meet initial criteria are still eligible to receive services if they continue to need specially designed instruction and other special education supports to address the child's disability related needs.

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The hearing notice was published in the December 6, 2021 edition of the Wisconsin Administrative Register. A public hearing was held on January 6, 2022.

*No persons testified at the January 6, 2022 hearing. However, the following persons submitted written testimony:*

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Katelynn Buss	Minocqua J1 School District	X		

#### *Summary of public comments relative to the rule and the agency's response to those comments:*

- One respondent submitted written comment in favor of the rule change and argued that reevaluation criteria are necessary for orthopedic impairment, traumatic brain injury, and significant developmental delay disability categories. The respondent argued there are situations in which students may not meet initial eligibility criteria for these areas if put again through a reevaluation, but still have significant needs that require special education services. The respondent believes that the best way for students to continue to receive the services and supports they need is through establishing reevaluation criteria for these areas of disability.

**Agency Response:** The department agrees. No further changes are necessary.

#### *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:***

The changes were accepted.