April 9, 2015

To: Carl Byran

 Administrative Rules Coordinator

From: Sally Flaschberger

 Disability Rights Wisconsin

RE: DPI PI 11 –Rule on Significant Development Delay

Thank you for the opportunity to provide comment on the changes to DPI Rule PI 11- relating to identification of children with significant developmental delay (SDD). DRW also appreciates the communication we have had with DPI throughout the rulemaking process. While we are in agreement for the most part, we still have a concern regarding the age range of 3-9 for students who can qualify in this category.

Overall, DRW sees the expanded age range for this category as a positive change, but with some reservations. Children sometimes arrive in the education system close to or at age 6 and it can take some time for teachers and evaluators to determine academic functioning level and service needs. If a child has had limited opportunities to engage in learning activities, delay can be the more appropriate initial diagnosis. This change provides educators and teams some flexibility for a period to figure out educational needs while also accessing supportive special education services. But, we do not feel that extending this to the age of 9 would be necessary. We believe teams would be able to begin to understand a student’s needs within the first year of their entry into school system and would see an extension to age 7 more appropriate.

The caution with this change involves the need for more specific instruction to schools with regard to the requirement and timing of essential re-evaluation to determine a more accurate diagnosis. The expanded SDD category should not become a catch all that precludes evaluation in all suspected disability areas. In our experience, schools may indicate to families that a specific category of eligibility is not significant – it is simply a doorway into special education services. However, having a disability-specific diagnosis is essential to designing an appropriate program for a child. For example, a child who does not receive an early, accurate diagnosis of autism may miss the opportunity to receive more appropriate special education services and supports in the community.

Therefore, if DPI’s proposed change to this category goes through, this must be accompanied by specific instructions to school teams on the need to follow-up with comprehensive re-evaluation and the timing of such evaluation.