



Revisions to Wisconsin's Administrative Rule Identifying Students as Deaf or Hard of Hearing: June 2021

The following is a summary of the key changes to PI Section 11.36 (4) of the Wisconsin Administrative Code addressing the eligibility for students qualifying with deaf and hard of hearing. Individualized Education Program (IEP) teams must use the new criteria to identify a sensory impairment, including deaf and hard of hearing, for referrals for special education dated on or after August 01, 2021. The updated rule may be found at Wisconsin Legislature: CR 20-072 Rule Text.

Overview

Previous Rule	Revised Rule
<p>Prior to 7/31/2021:</p> <p>Hearing impairment, including deafness, means a significant impairment in hearing, with or without amplification, whether permanent or chronically fluctuating, that significantly adversely affects a child's educational performance including academic performance, speech perception and production, or language and communication skills. A current evaluation by an audiologist licensed under ch. 459, Stats., shall be one of the components for an initial evaluation of a child with a suspected hearing impairment.</p>	<p>In Effect 8/1/2021:</p> <p>Deaf and hard of hearing means a decreased ability to detect sound in one or both ears with or without amplification, whether permanent or chronically fluctuating, which adversely affects a child's educational performance. This includes academic performance, speech perception, speech production, or communication including language acquisition or expression. PI 11.36 (4) Wis. Admin. Code</p>



Definitions

Previous Rule	Revised Rule
<p>Under the previous rule, hearing impairment, including deafness, was defined as:</p> <ul style="list-style-type: none">• significant impairment in hearing, with or without amplification. <p>The term "Hearing Impairment" was used to describe this category.</p>	<p>Under the new rule, the following definition was changed:</p> <ul style="list-style-type: none">• Deaf and hard of hearing means a decreased ability to detect sound in one or both ears with or without amplification. <p>The term "deaf and hard of hearing" is used to describe this category.</p>



Adverse Effects on Education Performance

Previous Rule	Revised Rule
<p>Under the previous rule, the hearing impairment, including deafness with or without amplification, whether permanent or chronically fluctuating that significantly adversely affects a child's educational performance includes:</p> <ul style="list-style-type: none">● academic performance,● speech perception and production,● or language and communication skills	<p>Under the new rule, decreased ability to detect sound in one or both ears with or without amplification, whether permanently or chronically fluctuating, that adversely affects a child's educational performance includes:</p> <ul style="list-style-type: none">● academic performance,● speech perception,● speech production, or● communication including language acquisition or expression. <p>*Note: previous rule required speech perception AND production whereas under the new rule adverse effect includes speech perception OR speech production.</p>



IEP Team Members

Previous Rule	Revised Rule
<p>A current evaluation by an audiologist licensed under ch. 459, Stats., shall be one of the components for an initial evaluation of a child with a suspected hearing impairment. This continues to be a requirement under the new rule as well.</p> <p>Note: Under the previous rule there was no mention of requiring a teacher for the deaf or hard of hearing as part of the IEP team when determining eligibility.</p>	<p>Under the new rule, the following language was added:</p> <p>A teacher for the deaf or hard of hearing licensed under s. PI 34.050 must be a member of the IEP team when determining eligibility.</p>

Reevaluation

Previous Rule	Revised Rule
<p>Under the previous rule, there was no language about reevaluation.</p>	<p>Under the new rule, the following language was added:</p> <p>Upon re-evaluation, a child who met initial identification criteria and continues to demonstrate a need for special education under s. PI 11.35, including specially designed instruction, is a child with a disability under this section.</p>