



The following is a summary of the changes to Section 1 PI 11.36 (5) of the Wisconsin Administrative Rule addressing identification for Speech or Language Impairment. Individualized Education Program (IEP) teams must use the new criteria to identify a speech or language impairment for referrals for special education dated on or after August 01, 2021. The updated rule may be found at [Wisconsin Legislature: CR 20-074 Rule Text](#).

Definitions in Rule

Previous Rule	Revised Rule
<p>Speech or language impairment means an impairment of speech or sound production, voice, fluency, or language that significantly affects educational performance or social, emotional or vocational development.</p>	<p>The definition of speech or language impairment remains the same.</p> <p>The following definitions were added.</p> <p>“Home languages” mean the languages used by the child or the parent of the child in their natural environment, or the modes of communication that are used by the child or the parent of the child in their natural environment, and may include languages other than English, sign language, Braille, or augmentative and alternative communication.</p> <p>“Natural environment” means settings that are natural or typical for a same-aged child without a disability and may include school, home, or community.</p> <p>“Significant discrepancy” means performance on a norm-referenced assessment that meets the cutoff score for a speech or language disorder and is significantly below age- or grade-level expectations relative to a normative sample, often reported as a percentile or standard score.</p>

Assessments and Other Evaluation Material Requirements that Apply to all Speech or Language Impairment Identifications

Previous Rule	Revised Rule
<p>[As per definition of speech or language impairment, assessments and other evaluation materials must demonstrate] significant impact on educational performance or social, emotional or vocational development.</p>	<p>The following assessment and other evaluation material requirements were added when identifying a student with a speech or language impairment and are in addition to the requirement to demonstrate a significant impact on educational performance or social, emotional or vocational development:</p> <p>Consideration of the child’s age, culture, language background, and dialect.</p> <p>Assessments and other evaluation materials used to conduct a comprehensive evaluation of a child’s speech and language development shall be provided and administered in the child’s home languages.</p> <p>Assessments and other evaluation materials shall be in the form most likely to yield accurate information unless it is not feasible to do so, and shall describe the child’s speech and language abilities and how those abilities impact the child’s progress in the general education environment relative to the speech and language demands of the classroom and curriculum.</p> <p>Interpretation of assessments shall be based on the representativeness of the normative sample and the psychometric properties of the assessment.</p>

Revisions to Speech or Language Impairment Identification: June 2021

Speech Sound Disorders (Articulation)

Previous Rule	Revised Rule
<p>The following must be met:</p> <p>Conversational intelligibility affected</p> <p>Child performs at least 1.75 SD below mean for their chronological age on norm-referenced test of articulation or phonology OR demonstrates consistent errors in speech sound production beyond the time when 90% of typically developing children have acquired the sound.</p>	<p>The following replaces what must be met:</p> <p>The child's speech sound production is documented to be delayed, as evidenced through at least one observation in a natural environment.</p> <p>The child's speech sound production is documented to be delayed, as measured by a criterion-referenced assessment, such as a developmental scale or a phonetic inventory, or significant discrepancy in performance from typical on a norm-referenced assessment.</p> <p>The child's intelligibility is below the expected range and not due to influences of home languages or dialect. Intelligibility ratings as documented by school staff or caregivers indicate an impact across environments.</p> <p>Speech sound production is less than 30% stimuable for incorrect sounds.</p>

Revisions to Speech or Language Impairment Identification: June 2021

Speech Sound Disorders (Phonological)

Previous Rule	Revised Rule
<p>The following must be met:</p> <p>One or more of the child's phonological patterns of sound are at least 40% disordered or the child scores in the moderate to profound range of phonological process use in formal testing and the child's conversational intelligibility is significantly affected.</p>	<p>The following replace what must be met:</p> <p>The child's intelligibility is below the expected range and not due to influences of home languages or dialect. Intelligibility ratings as documented by school staff or caregivers indicate an impact across environments.</p> <p>The child's phonological process use is documented to be non-developmental or outside of the expected developmental range, as evidenced through at least one observation in a natural environment, and by measurement of either the presence of one or more phonological processes occurring at least 40%, significant discrepancy in performance from typical on a norm-referenced assessment, or both.</p>

Voice Impairment

Previous Rule	Revised Rule
<p>The following must be met:</p> <p>The child's voice is impaired in the absence of an acute, respiratory virus or infection and not due to temporary physical factors such as allergies, short term vocal abuse, or puberty.</p> <p>The child exhibits atypical loudness, pitch, quality or resonance for his or her age and gender.</p>	<p>The following replaces what must be met:</p> <p>The child's voice is impaired in the absence of an acute, respiratory virus or infection and not due to temporary physical factors such as allergies, short term vocal abuse, or puberty.</p> <p>The child demonstrates characteristics of a voice impairment, which include any of the following:</p> <ul style="list-style-type: none">● The child's vocal volume, including loudness.● The child's vocal pitch, including range, inflection, or appropriateness.● The child's vocal quality, including breathiness, hoarseness, or harshness.● The child's vocal resonance, including hypernasality.

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Fluency Disorders

Previous Rule	Revised Rule
<p>The following must be met:</p> <p>The child exhibits behaviors characteristic of a fluency disorder.</p>	<p>The following is in addition to what must be met:</p> <p>The evaluation shall include a variety of measures, including case history, observation in natural environment, norm-referenced assessment or disfluency analysis, and result in evidence of atypical fluency.</p> <p>The presence of one or more of the following characteristics shall indicate a fluency disorder:</p> <p>Speech disfluencies associated with stuttering or atypical disfluency, which include repetitions of phrases, words, syllables, and sounds or dysrhythmic phonations such as prolongations of sounds or blockages of airflow typically in excess of 2% of total syllables, one second of duration, and two or more iterations in a repetition. Non-verbal physical movements, such as eye blinking or head jerking, may accompany the stuttering. Negative feelings about oral communication may be significant enough to result in avoidance behaviors in an attempt to hide or diminish stuttering.</p> <p>A speech rate that is documented to be rapid, irregular, or both and may be accompanied by sound or syllable omissions, sequencing errors, or a high number of non-stuttering speech disfluencies such as interjections, phrase and whole word repetitions, and revisions. The resulting speech fluency pattern is considered to be significantly disruptive to efficient communication. Negative feelings and attitudes about oral communication may or may not be present under this disfluency profile.</p>

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Language Impairment

Previous Rule	Revised Rule
<p>The following must be met:</p> <p>The child's oral communication or, for a child who cannot communicate orally, his or her primary mode of communication, is inadequate, as documented by all of the following:</p> <ul style="list-style-type: none">● Performance on norm referenced measures that is at least 1.75 standard deviations below the mean for chronological age.● Performance in activities is impaired as documented by informal assessment such as language sampling, observations in structured and unstructured settings, interviews, or checklists.● The child's receptive or expressive language interferes with oral communication or his or her primary mode of communication. When technically adequate norm referenced language measures are not appropriate as determined by the IEP team to provide evidence of a deficit of 1.75 standard deviations below the mean in the area of oral communication, then 2 measurement procedures shall be used to document a significant difference from what would be expected given consideration to chronological age, developmental level, and method of communication such as oral, manual, and augmentative. These procedures may include additional language samples, criterion referenced instruments, observations in natural environments and parent reports.	<p>The following replaces what must be met:</p> <p>A language impairment in the area of language form, content or use, as evidenced through an observation in a natural environment and by measurement of at least two of the following:</p> <ul style="list-style-type: none">● Language sample analysis.● Dynamic assessment.● Developmental scales or another criterion-referenced assessment.● Significant discrepancy from typical language skills on a norm-referenced assessment of comprehensive language.

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Exclusionary Criteria and Considerations Prior to Identification

Previous Rule	Revised Rule
<p>The IEP team could not identify a child who exhibited any of the following as having a speech or language impairment:</p> <p>Mild, transitory, or developmentally appropriate speech or language difficulties at children experience at various times and to various degrees.</p> <p>Speech or language performance that is consistent with developmental levels as documented by formal and informal assessment data unless the child requires speech or language services in order to benefit from his or her educational programs in school, home, and community environments.</p> <p>Speech or language difficulties resulting from dialectical differences or from learning English as a second language, unless the child has a language impairment in his or her native language.</p> <p>Difficulties with auditory processing without a concomitant documented oral speech or language impairment.</p> <p>A tongue thrust which exists in the absence of a concomitant impairment in speech sound production.</p> <p>Elective or selective mutism or school phobia without a documented oral speech or language impairment.</p>	<p>The following replaces the exclusionary criteria and considerations prior to identifying a student with a speech or language impairment.</p> <p>A student cannot be identified as having a speech or language impairment when differences in speech or language are based on home languages, culture, or dialect unless the child has a speech or language impairment within the child's home languages, culture, or dialect.</p> <p>In determining whether the child has a speech or language impairment, the IEP team shall consider all of the following:</p> <ol style="list-style-type: none">1. The child's background knowledge, stage of language acquisition, experience with narratives, and exposure to vocabulary to discern speech or language ability from speech or language difference, such as differences due to lack of exposure, stage of language acquisition, cultural or behavioral expectations.2. Based on information and data collected, the IEP team must determine whether the child's speech or language skills are a result of a speech or language impairment or a difference due to culture, language background, or dialect.

Substantiation of a Speech or Language Impairment

Previous Rule	Revised Rule
<p>The IEP team shall substantiate a speech or language impairment by considering all of the following:</p> <p>Formal measures using normative data or informal measures using criterion referenced data.</p> <p>Some form of speech or language measures such as developmental checklists, intelligibility ratio, language sample analysis, minimal core competency.</p> <p>Information about the child's oral communication in natural environments.</p>	<p>The requirements from the previous rule were incorporated throughout the new rule.</p>

Augmentative and Alternative Communication (AAC) Considerations

Previous Rule	Revised Rule
<p>The IEP team shall substantiate a speech or language impairment by considering all of the following:</p> <p>Information about the child's augmentative or assistive communication needs.</p>	<p>The IEP team shall evaluate a child's language by assessing the child's augmentative and alternative communication skills, when appropriate to determine the child's needs.</p>

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IEP Team Members

Previous Rule	Revised Rule
<p>An IEP shall include a department-licensed speech or language pathologist and information from the most recent assessment to document a speech or language impairment and the need for speech or language services.</p>	<p>In addition to the requirement of a licensed speech or language pathologist, the following was added:</p> <p>An educator with foundational knowledge in first and second language instruction and second language acquisition if the child is identified as an English Learner under 20 USC 7801 (20).</p>

Special Education Reevaluation

Previous Rule	Revised Rule
<p>No reference to conducting a special education reevaluation.</p>	<p>The following 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>