

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter PI 11, Children With Disabilities</p>	
<p>4. Subject Standards for disproportionality in special education and LEA determinations</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR   <input checked="" type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The proposed rule amends Chapter PI 11 of the Wisconsin Administrative Code and establishes standards and/or criteria related to disproportionality in special education and local education agency (LEA) determinations under the Individuals with Disabilities Education Act (IDEA).</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The Department solicited external feedback from stakeholders and considered multiple factors in defining significant disproportionality under this rule, including the population size, size of individual LEAs, and composition of State population. These stakeholders included individuals such as Tribal Education directors, school district teams, parent stakeholder groups, special education and pupil services administrators, CESA administrators, and groups such as the Wisconsin Association of School Boards, Wisconsin Association of School District Administrators, Wisconsin Association of School Business Officials, Wisconsin Council of Administrators of Special Services.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) State:  The Department has been required to make similar determinations under federal law since 2004 under IDEA. It is assumed any changes as a result of implementing this rule will be absorbed with existing Department resources. Therefore, there will be no additional economic or fiscal impacts to the state as a result of this rule.  Local:</p>	

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There is no economic and fiscal impact on local units of government as a result of the rule. There may be an indeterminate cost to develop practices or procedures in order to comply with IDEA requirements around disproportionality. It is not possible to anticipate how many LEAs would be required to adjust their practices as a result of the IDEA requirements.

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### 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The amendment related to disproportionality in special education sets criteria and establishes procedures related to determining disproportionality in special education identification, placement, and discipline. The Department followed recommendations from the IDEA Data Center, "Methods for Assessing Racial/Ethnic Disproportionality in Special Education." The determination of significant disproportionality by race or ethnicity is based solely on a collection and examination of data and not on policies, procedures, or practices. Procedures related to enforcement of LEA determinations under IDEA are also set based on these findings. No other policy alternatives than a rule are available as the Department is required by statute to promulgate rules in setting criteria that enforce federal law.

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### 16. Long Range Implications of Implementing the Rule

State criteria around determining disproportionality in special education and enforcement of LEA determinations will be set.

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### 17. Compare With Approaches Being Used by Federal Government

Related to disproportionality in special education, "[e]ach State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the LEAs of the State with respect to - (1) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act; (2) The placement in particular educational settings of these children; and (3) The incidence, duration, and type of disciplinary removals from placement, including suspensions and expulsions." 34 CFR 300.646.

Related to LEA determinations, "[e]ach State must use the targets established in the State's performance plan under § 300.601 and the priority areas described in § 300.600(d) to analyze the performance of each LEA." 34 CFR 300.602(a).

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### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Similar to Wisconsin, each state that receives funding under IDEA is required by federal law to 1) provide for the collection and examination of data to determine significant disproportionality in the state and LEAs of the state, and 2) use the targets established in the state's performance plan to analyze the performance of each LEA.

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### 19. Contact Name

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### 20. Contact Phone Number

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
  - Less Stringent Schedules or Deadlines for Compliance or Reporting
  - Consolidation or Simplification of Reporting Requirements
  - Establishment of performance standards in lieu of Design or Operational Standards
  - Exemption of Small Businesses from some or all requirements
  - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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