

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Chapter PI 11, Children with disabilities	
4. Subject Changes to criteria relating to specific learning disabilities	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input checked="" type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137 (3) (b) 1., Stats. \$0	
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., Stats.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rule seeks to update ch. PI 11 of the Wisconsin Administrative Code with respect to eligibility criteria for children with specific learning disabilities.	
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 held a preliminary public hearing and comment period on the scope statement for the proposed rule. The comments received were considered in the development of this economic impact analysis.  Additionally, during the development of this rule, education stakeholder groups were contacted for feedback on the rule, such as the Wisconsin RTI Center, Wisconsin State Reading Association, Wisconsin Council of Administrators of Special Services, Wisconsin Association of School District Administrators, Association of Wisconsin School Administrators, Wisconsin Family Assistance Center for Education, Training & Support, Wisconsin School Psychologists Association, Wisconsin Chapter of The Council on Exceptional Children, CESA 2, CESA 9, Wisconsin International Dyslexia Association, Decoding Dyslexia Wisconsin, Wisconsin Reading Coalition, the Dyslexia Guidebook Advisory Committee, representatives from school districts including Wrightstown Community School District, Suring Public Schools, Verona Area School District, Prentice School District, Green Bay Area Public School District, Milwaukee Public Schools, Iowa-Grant School District, School District of Superior, Madison Metropolitan School District, Appleton Area School District, and representatives from institutions of higher education including UW-Madison, UW-La Crosse, UW-Stout, UW-Milwaukee, Carroll College, Alverno College.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA None.	
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) Local: This proposed rule updates ch. PI 11 with respect to the identification of children with a specific learning disability and determining eligibility for services. The proposed rule accounts for current best practices and creates	

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flexibility for identifying children with a specific learning disability across educational settings in order to properly address student needs. The effect of the rule change is indeterminate but it is expected that the economic impact on school districts serving children under this rule will be minimal.

State: None.

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

The proposed rule brings ch. PI 11 in conformity with current best practices for identifying children that demonstrate a specific learning disability. The proposed rule reduces the prescriptive nature of the current rule and creates flexibility for identifying children with a specific learning disability across educational settings in order to properly address student needs. Without a rule change, the department will continue to implement ch. PI 11 as written.

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

Revising criteria for specific learning disabilities under ch. PI 11 will help school districts more appropriately identify children that meet this disability criteria and provide for appropriate educational services.

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

“Specific learning disability” is defined under the Individuals with Disabilities Education Act (IDEA) as a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disabilities, however, do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage [34 CFR § 300.8(c)(10)].

Regulations pertaining to the identification of children with specific learning disabilities under the Individuals with Disabilities Education Act must also include the following: (1) the identifying criteria must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability; (2) the identifying criteria must permit the use of a process based on the child’s response to scientific, research-based intervention; and (3) the identifying criteria may permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability. A public agency must use the State criteria adopted pursuant to 34 CFR § 300.307 (a) in determining whether a child has a specific learning disability. [34 CFR § 300.309].

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

Illinois: Under Illinois Admin. Code Title 23, Chap. 1, Subchapter F, Sect. 226.130, the school district shall adhere to the procedures set forth at 34 CFR 300.307, 300.308, 300.309, 300.310, and 300.311 when evaluating a student who is suspected of, or who has previously been identified as having, a specific learning disability as described in 34 CFR 300.8.

Iowa: Under Iowa Admin. Code Ch. 41 281.41.50(10), “specific learning disability” means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Michigan: Under Michigan Admin. Code R. 340.1713 (1), "specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical

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calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage.

Minnesota: Under Minnesota Admin. Rules 3525.1341, "specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

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