

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-3915/1	Introduction Number SB-468	
Description The use of positive behavioral interventions and supports and aversive interventions in schools and requiring the exercise of rule-making authority		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
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Fiscal Estimate Narratives

DPI 2/9/2010

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Description The use of positive behavioral interventions and supports and aversive interventions in schools and requiring the exercise of rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Senate Bill 468 regulates the use of seclusion and restraint in schools.

The Department of Public Instruction publishes "Directives for the Use of Seclusion and Physical Restraint in Special Education Programs". The directives are used in deciding federal Individuals with Disabilities Education Act (IDEA) complaints, and while they are meant to guide local school districts in matters concerning seclusion and restraint, the department has become more emphatic in recent years telling districts they are not just guidelines or suggestions. Although developed for special education situations, the directives can be applied in other situations as well. The provisions of SB 468 are similar or parallel to the directives that have been published by the department, but SB 468 would make them statutorily required.

State: This bill would increase costs to the DPI. While specific costs are indeterminate, these costs would not be able to be absorbed in the current budget. SB 468 requires the department to develop a training and certification program for employees of each school in Wisconsin that are designated as their school-based resource person. The bill also requires a separate training program to be developed to train all school employees on the safe, effective and appropriate use of seclusion and physical restraint. The bill requires the state superintendent to approve all rooms used for seclusion that are located in independent charter schools and private schools covered in the bill (those in the Milwaukee Parental Choice Program, those operated by county children with disabilities education boards, and those that enroll children that were referred or placed in the private school by the local school district). The bill requires annual reports to the department from schools on the use of seclusion and restraint. It is unclear what will be done with these reports. If a comprehensive annual report or follow-up by the department is necessary, additional department personnel will be necessary. Finally, the bill allows appeals to the state superintendent on the use of seclusion or restraint. It is not certain how many appeals would be brought; however, this is another responsibility in SB 468 for which the bill provides no additional resources.

Local: SB 468 requires each school to have a school-based resource person to assist other school employees with implementing positive behavior interventions and supports and to administer physical restraints and seclusion appropriately. It will likely depend on the size of the school whether or not this person will be a full-time resource person or if he/she will be able to have other duties as well. Even if they have other duties, it may not be at the same level as previously held. Further, because the designated school-based resources person must be certified, districts would likely be asked to pay for such certification including fees and tuition or other training costs (depending on the number of schools in a district, various persons could need to be trained and certified as school-based resource persons).

Districts would also likely have to pay for the staff training that would be required for all staff that may impose or supervise seclusion or restraint. The cost of training typically depends on the number of persons registered and whether the district has their own trainer(s), which requires a trainer-of-trainers. Certification for school employees would be valid for 2 years. Costs include mileage, lodging, substitute teachers, meals, and tuition (example: Crisis Prevention Institute in Brookfield charges \$459 for a 1-day training (per person), \$899 for 2 days, \$1,529 for 4-day trainer-of-trainers).

The bill also requires each school to establish procedures for the use of physical restraint and seclusion. It is assumed that many schools are currently following the department's directives for the use of seclusion and restraint. However, it is further assumed that some schools and school districts have not developed policies. Additional staff time would be needed to establish policies (whether formal school board policies or general operating procedures), and to submit a new annual written report summarizing each use of physical restraint and seclusion which the bill requires. Putting together procedures as well as the report would require time and effort of a staff person. It is unclear whether or not the person doing these tasks will be the same person as the school-based resource person that was discussed above. The specific cost is indeterminate, but each

school within a district will have increased costs to meet the requirements of SB 468.

SB 468 requires the school district to approve a seclusion room. Each district will need to determine parameters that coincide with the requirements in SB 468 for seclusion rooms in their schools and disburse persons to investigate the rooms. It is unclear in the bill if those persons will be district personnel, school board members, or members of the general public that reside in the district. Nonetheless, an investment of time and field visits will be necessary.

SB 468 would require a behavioral intervention plan (BIP) to be developed for each pupil with an individualized education plan (IEP) if physical restraint or seclusion can be used. Information from a functional behavioral assessment must be included. While some IEPs may already include this information, it is likely that local districts will need to review each IEP in their district to ensure this criteria is met. It may be necessary for pupil services staff to conduct many behavioral assessments, make many parent calls, and create BIPs for many pupils to meet the requirements of the bill.

Long-Range Fiscal Implications