

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date February 7, 2018
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DWD 65	
4. Subject Order of Selection	
5. Fund Sources Affected <input checked="" 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	6. Chapter 20, Stats. Appropriations Affected Section 20.445 (5) (a), Stats.
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	
8. The Rule Will Impact the Following (Check All That Apply) <input checked="" 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 (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). \$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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule  The proposed rule will update ch. DWD 65 to align the rule with the new federal Workforce Innovation Opportunity Act (WIOA) requirements including the department's Division of Vocational Rehabilitation requirement to continue to provide pre-employment transition services to potentially eligible students after an eligibility decision is made and they are placed on the order of selection. The proposed rule will also eliminate outdated provisions and terminologies, clarify language and update references for accuracy to ensure the rule is consistent with current practices and applicable state statute and federal regulations.	
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 proposed rule was posted for 14 days for public comment on economic impact. The rule was provided to the Wisconsin Rehabilitation Council, Independent Living Centers, Tribal Vocational Rehabilitation Programs and advocacy groups. No comments were received. The Division of Vocational Rehabilitation held a public hearing on March 8, 2018. One person, Erin Fabrizio attended the hearing, but did not comment, and one written comment was received from Survival Coalition of Wisconsin Disability Organizations.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A	
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) There is no fiscal impact associated with this rule.	

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

The proposed rule provides the criteria and procedures for the order of selection for vocational rehabilitation services to conform to the requirements of the Rehabilitation Act of 1973, as amended and 34 CFR 300-399 and as directed under ch. 47, Stats.

The proposed rule will create language requiring the department to provide pre-employment services to potentially eligible students that are determined eligible for vocational rehabilitation services and placed in a closed category on the order of selection. In addition, the proposed rule:

- Eliminates obsolete provisions and terminologies.
- Corrects cross-references.
- Updates and clarifies language to reflect current practices.
- Creates clarity to ensure the rule is consistent with state statute and federal regulations.

The policy alternative is to do nothing and the department will not be in conformity with WIOA or federal regulations. If the department is not in conformity with federal regulations, funding for vocational rehabilitation services will be impacted and could be reduced.

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

There are no long range implications of implementing the rule. The proposed rule requires the department to provide pre-employment transition services to students when an order of selection is implemented.

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

29 USC 721 requires a state to submit and have approved by the Secretary of the U.S. Department of Labor, a unified or combined state plan in accordance with WIOA (29 USC 3112, 3113) for vocational rehabilitation services. In the event the state cannot provide services to all eligible individuals with disabilities who apply, the state is required to show the order to be followed in selecting eligible individuals for services. An order of selection must include that individuals with the most significant disabilities will be selected first.

34 CFR 361.48 requires each state to ensure that the vocational rehabilitation program, in collaboration with local education agencies, provides or arranges for the provision of pre-employment transition services for all students with disabilities from federal funds and ensures pre-employment transition services are available to all students with disabilities regardless of eligibility for vocational rehabilitation services.

Section 110(d) of WIOA requires the state to reserve 15 percent of the allotted funds for the provision of pre-employment transition services for all students with disabilities.

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

Minnesota, Iowa, and Illinois have similar rules in place related to order of selection for vocational rehabilitation services. Michigan does not appear to have any rules regarding order of selection. Minnesota rule Chapter 3300 Part 3300.5010, Iowa rule IAC 56.6 (6), and Illinois Title 89, Chapter IV, Subchapter b: Part 533.130 all relate to order of selection.

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19. Contact Name

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20. Contact Phone Number

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This document can be made available in alternate formats to individuals with disabilities upon request.

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**Fiscal Estimate & Economic Impact Analysis**

**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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