

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 Specific learning disability evaluations in homeschool and private school settings		
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 evaluations for specific learning disabilities (SLD) of children in homeschool and private school settings. The proposed rule will provide that when evaluating a child in a private school or home-based private educational program, IEP teams may use the significant discrepancy method as an alternate procedure for identifying a child with an SLD.		
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.		
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) State: None. Local: The proposed rule updates criteria for identifying children with an SLD by allowing IEP teams to use significant discrepancy for the evaluation of private school and homeschool students. The use of significant discrepancy in rule aligns ch. PI 11 with federal law, which permits the use of the significant discrepancy method for identifying a child with an SLD. 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.		
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The proposed rule updates criteria for identifying children with an SLD by allowing IEP teams to use significant discrepancy for the evaluation of private school and homeschool students. The use of significant discrepancy in rule aligns ch. PI 11 with federal law, which permits the use of the significant discrepancy method for identifying a child with an SLD. Without a rule change, the department will continue to implement ch. PI 11 as written, and school		

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districts would be required to conduct SLD evaluations of private school and homeschool students using the criteria in current rule.

16. Long-Range Implications of Implementing the Rule

Revising the criteria for identifying children with an SLD under ch. PI 11 will provide school districts with an option to use another method for evaluating private school and homeschool students.

17. Compare With Approaches Being Used by Federal Government

“Specific learning disability” is defined under the Individuals with Disabilities Education Act 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 an SLD under IDEA 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. [34 CFR § 300.307 (a)]. 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 § 300.307 (b)].

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. Further, Illinois Admin. Code requires school districts to carry out Child Find responsibilities in the same manner for families of children enrolled in parentally-placed private schools as they would for families of children enrolled in public schools.

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. Further, Iowa Admin. Code requires that for the identification of students with a specific learning disability, the state’s area education agencies, or, if applicable, the state education agency must undertake activities similar to the activities undertaken for public school children.

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 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. Further, Michigan Admin. Code permits school districts to consider either patterns of strengths and weaknesses or scientific, research-based interventions in identifying children with a specific learning disability.

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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. Further, Minnesota Admin. Rules allow school districts to choose whether they will conduct evaluations based on scientific, research-based interventions or patterns of strengths and weaknesses but require that evaluations be conducted the same way for all students once the evaluation method has been chosen.

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