

## 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) PI 11, Children with disabilities	
4. Subject Sensory impairment terminology and deafblindness	
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 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 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 <b>(if checked, complete Attachment A)</b>	
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 Chapter PI 11 of the Wisconsin Administrative Code contains the current administrative rules governing the education of children with disabilities, including rules around the identification of specific areas of impairment which may receive special education and related services. Section PI 11.36 (3) relates to identification of pupils that are visually impaired and s. PI 11.36 (4) relates to identification of pupils that are hearing impaired. The labels "visual impairment" and "hearing impairment" are restrictive and do not recognize the difference between blindness and visual impairments or deafness and hard of hearing, respectively. As such, the department proposes to update terminology and eligibility criteria relating to these areas of impairment in identifying pupils that are blind and visually impaired and pupils that are deaf and hard of hearing.  Federal special education law also recognizes deaf-blindness as concomitant hearing and visual impairments. The combination of hearing and visual impairments causes severe communication and other developmental and educational needs, thus making it challenging for special education programs to accommodate those needs under the current rule, which solely recognizes children with deafness or children with blindness. While there are currently 153 pupils in Wisconsin that are on the Wisconsin Deafblind Registry, Wisconsin is the only state that does not recognize deafblindness as a separate disability category. A rule change will ensure a more appropriate identification of pupils who are deafblind.	
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 Deafblind Technical Assistance Project Advisory Council, the State Superintendent's Advisory Council on Deaf and Hard of Hearing Programs, the State Superintendent's Blindness and Visual Impairment Education Advisory Council, the Wisconsin Association for the Education and Rehabilitation of the Blind and Visually Impaired, the Wisconsin Council of Administrators of Special Services, the Wisconsin Family Center for Education,	

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

Training and Support Inc., Disability Rights Wisconsin, the National Federation of the Blind of Wisconsin, and the Wisconsin Parents of Blind Children. The department also conducted regular outreach to deaf education professionals, visually impaired professionals, parents and families, and other stakeholders in Wisconsin regarding the rule.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA  
None.

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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 includes changes to terminology and eligibility criteria for pupils that are blind and visually impaired as well as deaf and hard of hearing. It is unknown how many children may be impacted by the changes in terminology or may become eligible as a result of new eligibility criteria. Further, the proposed rule also recognizes deafblindness as a separate disability category. While there are currently 153 children in Wisconsin that are considered deafblind, according to the Wisconsin Deafblind Registry, it is unknown how many more children may become eligible as a result of the proposed rule. The effect of the rule change is indeterminate but it is expected that the economic impact on school districts serving children that meet the criteria 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 practices for identifying children with disabilities and better represents the children covered by the rule. Further, the proposed rule allows for better and more direct provision of services for students needing support in creating a new disability category under PI 11. Without a rule change, the department will implement ch. PI 11 as written.

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16. Long-Range Implications of Implementing the Rule

Revising PI 11 to reflect changes in terminology and eligibility criteria for pupils who are blind and visually impaired, deaf and hard of hearing, and deafblind will help school districts more appropriately identify children that meet each disability criteria and provide for appropriate educational services.

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17. Compare With Approaches Being Used by Federal Government

Deaf-blindness is defined under the Individuals with Disabilities Education Act (IDEA) as concomitant hearing and visual impairments, the combination of hearing and visual impairments causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. [34 CFR § 300.8(c)(2)].

Regulations pertaining to annual reporting requirements under IDEA also include the following with respect to the identification of children with deaf-blindness: (1) If a child has only two disabilities and those disabilities are deafness and blindness, and the child is not reported as having a developmental delay, that child must be reported under the category "deaf-blindness." (2) A child who has more than one disability and is not reported as having deaf-blindness or as having a developmental delay must be reported under the category "multiple disabilities" [34 CFR § 300.641(d)].

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

Illinois: Illinois uses the terms deafness, hearing impairment, and visual impairment including blindness. Illinois also recognizes deafblindness as a separate disability category. See 23 Illinois Administrative Code 226.75

Iowa: Iowa uses the terms deafness, hearing impairment, and visual impairment. Iowa also recognizes deafblindness as a separate disability category. See Iowa Administrative Code 281-41.50(3) for deafblindness, 281-41.50(4) for deafness, 281-41.50(5) for hearing impairment, and 281-41.50(13) for visual impairment.

Michigan: Michigan uses the terms visual impairment and deaf or hard of hearing. Michigan also recognizes deafblindness as a separate disability category. See Michigan Administrative Rules for Special Education (MARSE) 340.1710 for deaf or hard of hearing, 340.1708 for visual impairment, and 340.1717 for deaf-blindness.

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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

Minnesota: Minnesota uses the terms visually impaired and deaf/hard of hearing. Minnesota also recognizes deafblindness as a separate disability category. See Minnesota Administrative Rules 3535-1345 for visually impaired, 3525.1331 for deaf and hard of hearing, and 3525.1327 for deafblind.

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19. Contact Name Carl Bryan, Administrative Rules Coordinator Department of Public Instruction	20. Contact Phone Number (608) 266-3275
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