

## 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 Emotional behavior disability criteria		
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 The proposed rule seeks to update ch. PI 11 of the Wisconsin Administrative Code with respect to the identification of children with emotional behavior disability.		
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 PBIS Network/RtI Center, Wisconsin School Psychologists Association, Wisconsin School Social Worker Association, Wisconsin Association of School Boards, Wisconsin Council of Administrators of Special Services, Wisconsin Chapter Council for Children with Behavior Disorders, Wisconsin Family Ties, Disability Rights Wisconsin, Wisconsin Family Assistance Center for Education Training and Support Inc., Alianza Latina, CESA 8, representatives from Milwaukee Public Schools, School District of Waukesha, East Troy Community School District, Shorewood School District, Racine Unified School District, School District of La Crosse, School District of Cadott Community, and School District of Janesville, and representatives from UW-Madison, UW-Milwaukee, UW-La Crosse, UW-Whitewater, UW-Oshkosh, Loyola University, and Howard University.		
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 an emotional behavior disability and determining eligibility for services. The proposed rule accounts for current best practices and evidence-based interventions in addressing behaviors prior to identification, such as Response to Intervention (RtI), Positive Behavior Intervention and Support (PBIS), and Functional Behavior Assessment. 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		

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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 an emotional behavior disability. Further, the proposed rule may allow for a more appropriate provision of services for children who need support while balancing evidence-based interventions in addressing behaviors prior to intervention. 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 criteria for emotional behavior disability 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

“Emotional disturbance” is defined under the Individuals with Disabilities Education Act as a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: 1) an inability to learn that cannot be explained by intellectual, sensory, or health factors; 2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; 3) Inappropriate types of behavior or feelings under normal circumstances; 4) A general pervasive mood of unhappiness or depression; and 5) A tendency to develop physical symptoms or fears associated with personal or school problems. “Emotional disturbance” also includes schizophrenia but does not apply to children who are socially maladjusted unless it is determined that the child has one of the characteristics stated above [34 CFR § 300.8(c)(4)].

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

Illinois: In Illinois, “emotional disability” (including schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance) means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: 1) an inability to learn that cannot be explained by intellectual, sensory, or health factors; 2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; 3) inappropriate types of behavior or feelings under normal circumstances; 4) a general pervasive mood of unhappiness or depression; or 5) a tendency to develop physical symptoms or fears associated with personal or school problems.

Iowa: In Iowa, “behavior disorder” (or emotional disturbance) means any condition that exhibits one or more of the following five characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: 1) an inability to learn that cannot be explained by intellectual, sensory, or health factors; 2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; 3) inappropriate types of behavior or feelings under normal circumstances; 4) a general pervasive mood of unhappiness or depression; or 5) a tendency to develop physical symptoms or fears associated with personal or school problems.

Michigan: In Michigan, “emotional impairment” shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affect the student’s education to the extent that the student cannot profit from learning experiences without special education support. The problems result in behaviors manifested by one or more of the following characteristics: 1) inability to build or maintain satisfactory interpersonal relationships within the school environment; 2) inappropriate types of behavior or feelings under normal circumstances; 3) general pervasive mood of unhappiness or depression; 4) tendency to develop physical symptoms or fears associated with personal or school problems. Emotional impairment also includes students who, in addition to the characteristics specified above, exhibit maladaptive behaviors related to schizophrenia or similar disorders. The term “emotional impairment” does not include persons who are socially maladjusted, unless it is determined that the persons have an emotional impairment. Finally, emotional impairment does not include students whose behaviors are primarily the result of intellectual, sensory, or health factors.

Minnesota: In Minnesota, “emotional or behavioral disorder” means an established pattern of one or more of the

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following emotional or behavioral responses: 1) withdrawal or anxiety, depression, problems with mood, or feelings of self-worth; 2) disordered thought processes with unusual behavior patterns and atypical communication styles; or 3) aggression, hyperactivity, or impulsivity. The established pattern of emotional or behavioral responses must adversely affect educational or developmental performance, including intrapersonal, academic, vocational, or social skills; be significantly different from appropriate age, cultural, or ethnic norms; and be more than temporary, expected responses to stressful events in the environment. The emotional or behavioral responses must be consistently exhibited in at least three different settings, two of which must be educational settings, and one other setting in either the home, child care, or community. The responses must not be primarily the result of intellectual, sensory, or acute or chronic physical health conditions.

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