

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 9, Pupil nondiscrimination		
4. Subject Revisions to pupil nondiscrimination procedures		
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 amend ch. PI 9 of the Wisconsin Administrative Code with respect to the administration of pupil nondiscrimination procedures under s. 118.13, Stats.		
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. No comments were received for consideration 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: The proposed rule amends ch. PI 9 with respect to the administration of pupil nondiscrimination procedures by school districts under s. 118.13, Stats. As such, there is no anticipated economic impact to the state as a result of the rule. However, the department may be expected to provide guidance with respect to the administration of pupil nondiscrimination procedures under the proposed rule. Additionally, the department may adjust its practices with respect to appeals of pupil nondiscrimination decisions and pupil nondiscrimination data reported by school districts. However, it is expected that any changes with respect to the administration of the rule may be absorbed within existing agency resources. Local: The proposed rule amends ch. PI 9 with respect to the administration of pupil nondiscrimination procedures by school districts under s. 118.13, Stats. Among these changes, the proposed rule does the following: 1) provides school districts the option of providing notice via district website and requires school districts to provide policies and procedures to individual complainants on initiation of complaint; 2) establishes timelines for both processes that insure prompt resolution of complaints; 3) establishes criteria for corrective action plans prompted by substantiated complaints of discrimination; and 4) ensures school districts are engaging in meaningful assessments and that the data reported is useful to both the department and the Legislature. School districts may be expected to adjust their practices with respect		

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to the administration of pupil nondiscrimination procedures under ch. PI 9. However, it is expected that any changes with respect to the administration of the rule will be absorbed within existing school district resources.

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

The effect of the proposed rule is to ensure accessibility of school district pupil nondiscrimination policies and procedures for parents and pupils; prompt resolution of discrimination complaints and appeals; clarification around school district responsibilities to address pupil discrimination substantiated through the complaint process; and clarification around school district self-evaluation and data reporting requirements. Without the rule change, the department will be required to implement ch. PI 9 as the rule currently exists.

16. Long-Range Implications of Implementing the Rule

The proposed rule will ensure accessibility of school district pupil nondiscrimination policies and procedures for parents and pupils; prompt resolution of discrimination complaints and appeals; clarification around school district responsibilities to address pupil discrimination substantiated through the complaint process; and clarification around school district self-evaluation and data reporting requirements.

17. Compare With Approaches Being Used by Federal Government

The United States Department of Education Office for Civil Rights (OCR) enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal funds from the Department of Education. These laws prohibit discrimination on the basis of race, color, and national origin, sex, disability, and on the basis of age. These laws extend to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive U.S. Department of Education funds. OCR also has responsibilities under Title II of the Americans with Disabilities Act of 1990, which prohibits disability discrimination by public entities, whether or not they receive federal financial assistance. In addition, as of January 8, 2002, OCR enforces the Boy Scouts of America Equal Access Act under Section 9525 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001. Under the Boy Scouts of America Equal Access Act, no public elementary or secondary school or State or local education agency that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society, that wishes to meet at the school.

Complaints of discrimination must be received within 180 days. Complainants may use the school district's internal grievance process. If a complainant elects to use the internal grievance process, the complainant must file with OCR within 60 days of the close of the internal grievance. Further, each school district is required to provide public notice of its nondiscrimination policy, and each school district is required to designate an employee to receive complaints.

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

Illinois: Under Illinois Compiled Statutes section 775 ILCS 5, K-12 public schools are prohibited from discriminating on the basis of race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. Complaints and appeals may be resolved by the Illinois Department of Human Rights. Complaints must be filed within 300 days.

Iowa: Under Iowa Code section 216.9, K-12 public schools are prohibited from discriminating on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any academic, extracurricular, research, occupational training, or other program or activity (except athletic programs). Complaints and appeals are resolved by the Iowa Civil Rights Commission. Complaints must be filed within 300 days.

Michigan: Michigan Compiled Laws section 37.2402 prohibits discrimination in K-12 public schools on the basis of religion, race, color, national origin, or sex. Complaints and appeals are resolved by the Michigan Department of Civil Rights. Complaints must be filed within 180 days.

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Minnesota: Under Minnesota Statutes section 121A.03, school boards are required to adopt a written sexual, religious, and racial harassment policy and a written sexual, religious, and racial violence policy conforming to the Minnesota Human Rights Act. The Commissioner of the Minnesota Department of Education is required to develop a model policy that school boards may adopt. School boards are further required to develop a process for discussing the policy with students and employees and submit the policy to the Commissioner. The Minnesota Human Rights Act prohibits discrimination on the basis of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability. The Minnesota Human Rights Department is responsible for resolving complaints of discrimination arising in the public schools. Complaints must be filed within one year.

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