

Administrative Rule Analysis



Special Education Programs and Services

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Department: Education
Agency: Office of Special Education
Rule Set No.: 2013-116 ED

Complete to: 11/11/2014

BACKGROUND & SUMMARY OF PROPOSED RULES SUBMITTED TO JCAR

The proposed rule changes would update the rules for Special Education Programs and Services to align with updates to state and federal law, clarify language, delineate time lines, and incorporate appropriate terminology and legal references. The proposed rule changes would clarify and update Special Education definitions, the system of evaluation, the determination of eligibility, and the individualized education program (IEP).

FISCAL IMPACT OF PROPOSED RULES

The proposed rules would have minimal fiscal impact on the Department of Education, school districts, or intermediate school districts. These proposed rule changes would not require foreseeable appropriations. The Department of Education's "Regulatory Impact Statement and Cost-Benefit Analysis" also supports this assessment.

The Department of Education indicated that the activities associated with cost increases to the state would be the following: updating guidance, communicating the rule changes to the field, and revising documents related to these rules. The minimal cost would be funded by federal monies from the Individuals with Disabilities Education Act (IDEA) Part B already received by the department.

Additionally, current rules require the district of residence, operating district, or public school academy to reimburse the state 75% of the due process hearing costs, but there are no enforceable timelines. The proposed rule change would add an enforceable timeline requirement for reimbursement to the state within 45 days of the due process hearing billing letter. The goal of this change is to increase reimbursement levels because 27 due process hearings have gone unpaid since August 2012.

The potential fiscal impact for school districts and intermediate districts would be the cost of modifying their data collection and reporting. However, according to the Department of Education, during the public feedback for the rules changes, school districts noted that updating their system would fall under standard data operating costs, so no additional costs would be imposed.

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