

Wisconsin Department of Public Instruction  
**STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

**GENERAL INFORMATION**

Rule No.: PI 31

Relating to: Aid for School Mental Health Programs

Rule Type: Emergency and Permanent

**NARRATIVE**

Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 368 Wis.2d 444.

1. Finding/nature of the emergency (Emergency Rule only).

2017 Wisconsin Act 59 created s. 115.364, Stats., to provide aid for school mental health programs beginning in the 2018-19 school year. An emergency rule is necessary in order for the Department to administer the program in the 2018-19 school year while the permanent rule completes the promulgation process.

2. A description of the objective of the proposed rule.

The proposed rule creates a new rule chapter, PI 31, to implement aid for school mental health programs, which was created as a result of 2017 Wisconsin Act 59, the 2017-19 budget.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

2017 Wisconsin Act 59 created s. 115.364, Stats., which creates a new categorical aid program beginning in the 2018-19 school year to support school districts, independent charter schools, and private schools participating in a parental choice program in the provision and expansion of mental health services by reimbursing eligible schools for expenditures on social worker services. The Act also created s. 115.364 (3), Stats., which provides that the Department shall promulgate rules to implement this program. This proposed rule change is needed to implement aid for school mental health programs provided under s. 115.364, Stats., created as a result of the 2017-19 budget, 2017 Wisconsin Act 59. Unless a rule is in place, the Department may be prevented from efficiently implementing and administering this program.

4. The statutory authority for the proposed rule.

Under s. 115.364 (3), Stats., the Department is required to promulgate rules to implement the statutes relating to aid for school mental health programs.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by Department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.  
Participating school districts, independent charter schools, and private schools participating in a parental choice program may be affected by this rule change.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

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