

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

GENERAL INFORMATION

Rule No.: PI 49

Relating to: Changes to rules governing the Special Needs Scholarship Program as a result of 2017 Wisconsin Acts 36 and 59 and other changes

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 Acts 36 and 59 made several changes to the statutes governing the special needs scholarship program. The Department is required by statute to promulgate rules in order to administer this program. Unless these modifications are in place, the Department may be prevented from efficiently implementing and administering the program and schools and applicants may not have clear guidance on program requirements. The promulgation of emergency rules will help ensure implementation of the program remains consistent through the completion of the permanent rule making process.
2. A description of the objective of the proposed rule.
The proposed rule will amend Chapter PI 49 of the Wisconsin Administrative Code in order to conform Department rules governing the special needs scholarship program to changes in statute as a result of 2017 Wisconsin Acts 36 and 59. The proposed rule will also make other various changes to conform the rule to best practices and efficiencies in program administration.
3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.
2015 Wisconsin Act 55, the 2015-17 biennial budget, created the special needs scholarship program. The Department promulgated administrative rules, CR 16-005, relating to the special needs scholarship program; and CR 16-066, relating to revisions to the special needs scholarship program; both of which are currently in effect. Since then, 2017 Wisconsin Act 36 and 2017 Wisconsin Act 59, the 2017-19 biennial budget, made several changes relating to the administration of this program. As a result of recent changes in statute and items identified since the rules were implemented, modifications to PI 49 are needed to better assist participating schools and the Department in the administration of the program. Without a rule change, statute and rule will not be consistent and the Department may be prevented from efficiently administering the program.
4. The statutory authority for the proposed rule.

Under s. 115.7915 (10), Stats., the Department must promulgate rules to implement and administer the Special Needs Scholarship program, including rules relating to: (a) eligibility and participation of eligible schools; (b) calculation and distribution of scholarships; and (c) application and approval procedures for students and eligible schools.

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.

Private schools participating in the special needs scholarship program may be impacted by this rule.

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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