

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

Rule No.: PI 49

Relating to: Revisions to the special needs scholarship program

Rule Type: Emergency and Permanent

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*, 2016 WI 38.

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

2015 Wisconsin Act 55 created the Special Needs Scholarship Program (herein referred to as "Program"). Section 115.7915 (10), Stats., requires the Department to promulgate administrative rules related to student and school application processes. Unless these modifications are in place, the Department may be prevented from efficiently implementing and administering this 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 seeks to make the following changes to the current administrative rules governing the Program: (1) allow individuals designated by the Program administrator to assist in the processing of student applications; (2) modify the individualized education program and services plan verification; (3) specify that school auditors would verify that the statutorily required student reevaluations are completed; (4) clarify how the repayment of state funds occurs; (5) clarify how students may transfer to a different participating school; (6) provide that the Intent to Participate form specifies the Program administrator; and (7) clarify the accreditation and state superintendent approval requirements for a school to participate in the Program. In addition, two administrative rule provisions would be deleted because they were one-time due dates.

**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 created the Special Needs Scholarship Program, which first became effective in the 2016-17 school year. Utilizing its authority under s. 115.7915 (10), Stats., the Department promulgated emergency rules for the Program (Emergency Rule 1619) that are currently in effect. CHR 16-005 is the permanent rule that implements the Program and is currently pending at the time of the filing of this scope statement. Based on feedback from participating schools and school districts and items identified during the first year implementation of the Program, modifications to the current rule are needed to better assist schools and the Department in the administration of the Program. Without a rule, the Department will continue to administer the Program according to the emergency rules that are currently in effect.

**4. The statutory authority for the proposed rule.**

Under s. 115.7915 (10), Stats., the Department is required to 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 minimal.

**6. A description of all of the entities that will be affected by the proposed rule.**

The proposed rule will impact local education agencies and eligible private schools participating in the Special Needs Scholarship Program.

**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.

**Contact information:**

Carl Bryan

Policy and Budget Team

(608) 267-9127

carl.bryan@dpi.wi.gov