

Wisconsin Department of Public Instruction

STATEMENT OF SCOPE FOR ADMINISTRATIVE RULES

GENERAL INFORMATION

Rule No.: PI 48

Relating to: Parental Choice Program for Eligible School Districts and Other School Districts

Rule Type: Emergency and Permanent

The revised statement of scope modifies SS 087-13, which was published in Register No. 691 on July 31, 2013 and approved by the Superintendent of Public Instruction on August 15, 2013, relating to the parental choice program for eligible school districts and other school districts. 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*, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015).

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

The 2011-13 budget, 2011 Wisconsin Act 32, created the Parental Choice Programs for Eligible School Districts under s. 118.60, Stats. The 2013-15 budget, 2013 Wisconsin Act 20, significantly modified s. 118.60, Stats., including creating the Parental Choice Program for Eligible School Districts and Other School Districts. The 2015-17 budget, 2015 Wisconsin Act 55, further modified s. 118.60, Stats., and included a new funding mechanism for how choice pupils are counted and aided. Section 118.60(11)(a), Stats., requires the DPI to promulgate rules to implement and administer both programs. Unless a new rule is in place, DPI may be prevented from efficiently implementing and administering these programs.

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

The 2011-13 budget, 2011 Wisconsin Act 32, created the Parental Choice Programs for Eligible School Districts under s. 118.60, Stats. The 2013-15 budget, 2013 Wisconsin Act 20, significantly modified s. 118.60, Stats., including creating the Parental Choice Program for Eligible School Districts and Other School Districts. The 2015-17 budget, 2015 Wisconsin Act 55, further modified s. 118.60, Stats., and included a new funding mechanism for how choice pupils are counted and aided. The DPI is proposing to create a rule to govern the implementation and administration of both programs.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives.

The DPI is proposing to create a rule, PI 48, to implement and administer the Parental Choice Program for Eligible School Districts and Other School Districts based on s. 118.60, Stats. Without a rule, the DPI will not be able to provide transparency in how it is implementing and administering these programs.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language).

The DPI is explicitly required by statute to create a rule to implement and administer s. 118.60, Stats. Specifically, s. 118.60(11)(a) provides:

118.60 Parental choice program for eligible school districts and other school districts.

(11) The department shall do all of the following:

(a) Promulgate rules to implement and administer this section. The department may not by rule establish standards under sub. (7) (am) that exceed the standards established by the American Institute of Certified Public Accountants.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule.

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

6. List with description of all entities that may be affected by the proposed rule.

Private schools participating in these programs will be impacted by this rule.

7. Summary and preliminary comparison with any existing or proposed federal regulation that 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.