

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

GENERAL INFORMATION		
Rule No.	Relating to Special Needs Scholarship Program	Rule Type Emergency and Permanent
SIGNATURE		
State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature ➤	Date Signed Mo./Day/Yr.
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*, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015)

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

2015 Wisconsin Act 55 created the Special Needs Scholarship Program. The effective date of the program is the 2016-17 school year. Section 115.7195 (10), Stats., requires the department to promulgate administrative rules related to student and school application processes. Unless a new rule is in place, DPI 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.

This proposed rule will create a new rule chapter to implement the Special Needs Scholarship Program, with respect to the eligibility and participation of eligible schools, the calculation and distribution of scholarships, and application and approval procedures for students and eligible schools that is necessary under this program.

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

The proposed rule is needed to implement the Special Needs Scholarship Program provided under s. 115.7915, Stats., that was created by the 2015-17 budget, 2015 Wisconsin Act 55.

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 number 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 school districts 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

Telephone: 267-9127

Email: carl.bryan@dpi.wi.gov
