

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

Rule No.: PI 36

Relating to: Changes to Open Enrollment

Rule Type: 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*, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015).

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

N/A

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

The objective for the proposed rule changes is to repeal sections of ch. PI 36 that are obsolete due to the enactment of 2015 Wisconsin Act 55, including sections related to cost estimates for pupils with disabilities, billings that occur between school districts, and denials due to undue financial burden.

In addition, as a result of 2015 Wisconsin Act 55, the proposed rule will amend the open enrollment payment procedures to address statutory changes to open enrollment payments for pupils with disabilities.

In addition, minor substantive changes will be made to clarify some provisions following the repeal and recreate of ch. PI 36 in September 2014.

The proposed rules would first be applicable in the 2016-17 school year.

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

This proposed rule change is needed to align ch. PI 36 with the statutory changes in 2015 Wisconsin Act 55.

4. The statutory authority for the proposed rule.

Under s. 227.11 (2) (a) (intro.), stats., “Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” As such, a rule is required to effectively implement and administer the payment of state aid under s. 118.51, stats.

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.

The proposed rule could impact public schools, parents and pupils.

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 rule will have no significant economic impact on small businesses, as defined in s. 227.114 (1), stats.

Contact information:

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