

Wisconsin Department of Public Instruction

**STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

**GENERAL INFORMATION**

Rule No.: PI 38

Relating to: School-Based Mental Health Services Grants, Special Education Transition Readiness Grants, and other changes to state grant programs as a result of 2017 Wisconsin Act 59

Rule Type: Permanent and Emergency

**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 Act 59 created s. 115.367 and 115.885, Stats., to provide grants to school districts and operators of charter schools for the purpose of: 1) collaborating with community mental health agencies; and 2) to fund special education workforce transition support services, each beginning in the 2018-19 school year. An emergency rule is necessary in order for the Department to administer each grant program ahead of the 2018-19 school year while the permanent rule completes the promulgation process.

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

The proposed rule will create two new subchapters under Chapter PI 38, of the Wisconsin Administrative Code, to implement School-Based Mental Health Services Grants and Special Education Transition Readiness Grants, which were created as a result of 2017 Wisconsin Act 59, the 2017-19 biennial budget. Any other changes to conform the rule chapter to changes in statute as a result of 2017 Wisconsin Act 59 will also be made.

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

Enrolled 2017 Assembly Bill 251 (enactment pending at the preparation of this statement of scope) makes several changes to rules related to grant programs administered by the Department, including combining four chapters of the DPI Administrative Code into one rule chapter, Chapter PI 38, and provides default procedures for other state grant programs administered by the Department. After the bill's introduction, 2017 Wisconsin Act 59, the 2017-19 biennial budget, created s. 115.367, Stats., relating to School-Based Mental Health Services Grants, which establishes a competitive program to award grants to school boards and operators of charter schools for the purpose of collaborating with community mental health agencies

to provide mental health services to pupils. Further, the Act created s. 115.885, Stats., relating to Special Education Transition Readiness Grants, which awards grants to school districts and charter schools to fund special education workforce transition support services, including pupil transportation, professional development for school personnel, and employing adequate school personnel. Both grant programs begin in the 2018-19 school year and the Department is required to promulgate rules to implement both programs. Without a rule, the Department may be prevented from consistently implementing and administering each grant program.

4. The statutory authority for the proposed rule.

Under s. 115.367 (4), Stats., the Department is required to promulgate rules to implement and administer the statutes relating to School-Based Mental Health Services Grants. Additionally, under s. 115.885 (3), Stats., the Department is required to promulgate rules to implement and administer the statutes relating to Special Education Transition Readiness Grants.

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.

School boards, operators of charter schools, and participating mental health agencies under the School-Based Mental Health Services Grants may be impacted by this rule change. Additionally, school districts and charter schools may be impacted by the rule changes with respect to Special Education Transition Readiness Grants.

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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