

Clearinghouse Rule 10-058

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES**

The state superintendent of public instruction hereby proposes to amend s. PI 34.31 (2) and to create s. PI 34.01 (52m), relating to school nurse certification.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.001 (11), Stats.

Statutory authority: ss. 115.001 (11) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 115.001 (11), Stats., requires the department to prescribe the qualifications for school nurses by rule.

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule: N/A

Plain language analysis:

2009 Wisconsin Act 160 requires the department to prescribe the qualifications for school nurses by rule. To meet the requirements under the Act, the department is modifying Chapter PI 34, relating to Teacher Education Program Approval and Licenses, by creating a definition of "school nurse" under s. PI 34.01 (52m) and by modifying the school nurse licensing information under s. PI 34.31 (2).

The DPI school nurse license which requires completion of a school nurse practicum and an institutional endorsement, is still an optional license and is not required for a nurse to work in a school. In the past, a school nurse only had to hold a license as a registered nurse under the Department of Regulation and Licensing. The rule will require a school nurse to hold a bachelor's degree as well.

An individual employed by, or under contract with, a school board, a CESA, a CCDEB, or charter school as a school nurse on or before January 1, 2011, shall be considered a school nurse, regardless of whether or not that individual holds a bachelor's degree.

To coincide with the Act's effective date, the rule will become effective January 1, 2011.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states:

Iowa does not have rules relating to the qualification of school nurses.

Illinois and Minnesota require a school nurse to be a registered professional nurse with a bachelor's degree.

Michigan requires that a professional school nurse be a registered professional nurse with a bachelor's degree. Michigan also offers a standard school nurse certificate requiring the applicant to be a registered nurse.

Summary of factual data and analytical methodologies:

2009 Wisconsin Act 160 clarifies that a nurse may be employed by a school district without being "certified" by the department but rather "meets the qualifications prescribed by the department." The DPI school nurse license under s. PI 34.31 (2) requires the applicant to have, in part, a school nursing practicum and an institutional endorsement. This DPI license is optional and is not required for a nurse to work in a school. The Act removes the department's certification requirement and replaces it with the qualifications for school nurses prescribed by the department in rule. The qualifications specified in this rule will better reflect current practice without reducing the qualifications of the state's school nurses.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

Douglas White, Director, Student Services/Prevention and Wellness, (608) 266-5198, douglas.white@dpi.state.wi.us.

Place where comments are to be submitted and deadline for submission:

The department will publish a hearing notice in the *Administrative Register* which will include this information.

SECTION 1. PI 34.01 (52m) is created to read:

PI 34.01 (52m) "School nurse" means a person who is a registered nurse licensed under s. 441.06, Stats., or in a party state, as defined in s. 441.50 (2) (j), Stats., and has a bachelor's degree from a nursing program that is approved by the board of nursing or accredited by the Commission on Collegiate Nursing Education and that includes preparation in public health nursing or community health nursing. An individual shall be considered a school nurse if he or she was employed by, or under contract with, a school board, a board of control of a cooperative educational service agency, a county children with disabilities education board, or an operator of a charter school established under s. 118.40 (2r), Stats., as a school nurse, on or before the effective date of this paragraph (REVISOR INSERT DATE).

SECTION 2. PI 34.31 (2) is amended to read:

PI 34.31 (2) SCHOOL NURSE. This license is not required. ~~An applicant for a~~ A school nurse license shall be a registered ~~may be issued to a school nurse in Wisconsin and shall have received a bachelor's degree in nursing which includes a~~ who completes a school nursing nurse practicum and receives an institutional endorsement.

SECTION 3. The provisions under section 1 and 2 become effective January 1, 2011.

The rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Dated this _____ day of May, 2010

Tony Evers, PhD
State Superintendent