

Clearinghouse Rule 10-083

REPORT TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE EDUCATOR PREPARATION AND LICENSING FLEXIBILITY PI 34, WISCONSIN ADMINISTRATIVE CODE

Statute interpreted: ss. 115.28 (7) (a), 118.19, 118.40 (2r) (a) and (d) 1., and 121.02 (1) (a) 2., Stats.

Statutory authority: ss. 115.28 (7) (a), 118.40 (2r) (a), 121.02 (1) (a) 2., and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 115.28 (7) (a), Stats., requires the state superintendent to license all teachers for the public schools of the state, make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.192 and 118.195, and prescribe by rule standards and procedures for the approval of teacher preparatory programs leading to licensure.

Section 118.40 (2r) (a), Stats., requires the department to promulgate rules to define the term “instructional staff” of charter schools established under s. 118.40 (2r), Stats.

Section 121.02 (1) (a) 2., Stats., requires the department to promulgate rules to define the term “instructional staff” in charter schools.

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.

Court decisions directly relevant : None

Related statute or rule: s. 118.40, Stats.

Plain language analysis:

The department proposes modifying ch. PI 34, Wis. Admin. Code, to provide for educator license flexibility, clarification, and other minor revisions as follows:

Flexibility:

- Allowing IHE faculty to supervise clinical students or student teachers if they have experiences other than three years of PK-12 teaching experience.
- Allowing flexibility for students completing their student teaching placement outside the state of Wisconsin.
- Allowing a person holding a professional educator license in language arts (English literature and composition, journalism, speech or broadfield) to get another language arts license at the same developmental level if he or she completes a DPI prescribed exam.
- Allowing a person holding a professional educator license in math or computer science to get a license in math or computer science at the same developmental level if he or she completes a DPI prescribed exam.
- Allowing a person holding a professional educator license in science (physical science, chemistry, physics, earth and space, environmental, biology, or broadfield) to get another science license at the same developmental level if he or she completes a DPI prescribed exam.
- Allowing a person holding a professional educator license in social studies (geography, history, political science, economics, psychology, sociology, or broadfield) to get another social studies license at the same developmental level if he or she completes a DPI prescribed exam.

- Allowing a person holding a professional educator license in foreign language (French, German, Latin, Russian, Spanish, other) to get another foreign language license at the same developmental level if he or she completes a DPI prescribed exam.
- Allowing a person holding a wide-range license (to teach all ages) to add another wide-range license in another subject based on a minor. This provision applies to specific licenses.
- Changing the effective period of educational interpreters, school psychologists, and school guidance counselors licenses from 2 or 3 years to 5 years to give individuals enough time to complete stipulations that in some cases require evidence of successful work experience.
- Requiring that persons teaching in core academic subjects in a charter school have a valid teaching license and one of the following: 1) a major or minor in the assigned subject area, 2) passed an examination prescribed by the department 3) complete a process that verifies content competencies authorized by the department. A school district may continue to request a charter school instructional staff license or permit on behalf of an individual. However, individuals will be required to submit a completed application for the license or permit. In addition, specific information relating to an applicant's specific teaching assignment and his or her qualifications will be required as part of the application process.
- Moving the procedural requirements of requesting a charter school license from ch PI 8 to ch. PI 34 for consistency. These requirements include how to request the license and specifying that the individual must volunteer for the assignment in which the license is being requested. This is required, in part, so that these licenses will not be acquired for an individual without the individual's knowledge.
- Modifying language under the charter permit. A charter permit may be issued to a person assigned to teach in the area of their degree that has not "completed an approved program" as opposed to an already licensed teacher who does "not hold a current license or permit." This subtle change is meant to direct fully licensed teachers that do not meet the new core academic subject license requirements to obtain a one-year emergency license instead of a one-year charter school permit.
- Clarifying that professional educator licenses may be issued to teachers, administrators or pupil services personnel who completed an approved program either in WI or outside the state and have completed 5 years of teaching, pupil services or administrator experience out-of-state corresponding to their license. As currently written, the rules imply that a professional educator license may only be issued to teachers who completed an approved program out of state (rather than instate) and have at least five years of teaching experience out of state.

Clarification/Minor Revisions:

- Eliminating definitions that are not used in the rule and are, therefore, unnecessary.
- Modifying definitions to clarify meaning or intent.
- Defining "core academic subject" to reflect the definition of core academic subject under the federal No Child Left Behind Act (NCLB). Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. The department has further clarified the "arts" as including music, theatre, and dance.
- Changing the phrase "continuous process review" to "continuous review process" throughout the rule for clarification.
- Clarifying that potential nonapproval of an institution of higher education's (IHE) professional program leading to licensure will come from the department rather than a department liaison or consultant.
- Replacing the term "teaching practice" with "clinical program" throughout the rule as clinical program is a defined term and should be used consistently.
- Specifying a different effective date/period for licenses issued to mid-term program completers.
- Clarifying that an initial educator license may be issued to an individual who completed an approved program after August 31, 2004 (the date the new program requirements under ch. PI 34 became effective) for the first time in a license category.
- Allowing an initial educator license to be renewed if the individual has not been employed as an educator for at least 3 years (rather than 2) within the 5-year period of issuance.
- Clarifying that out of state teacher applicants may be issued a professional educator license (rather than an initial license) if they meet certain requirements.
- Replacing the term "documentation portfolio" with "professional development plan" and three-member "panel" with "team" as the replacements are the appropriate terms to be used.

- Clarifying that out-of-state applicants may receive an initial educator license in the areas of teaching, pupil services or administration. As currently written the rule appears to only allow for licensure of teachers that apply from out of state and not pupil services or administrator applicants.
- Clarifying when the credits or professional development plan must be completed prior to renewing a professional educator license.
- Clarifying that for applicants eligible to renew a professional educator license by completing 6 semester credits, those credits must be directly related to the license held or to the standards established under subchapter II for teachers, pupil services staff or administrators. As currently written, the rule refers only to the teacher standards.
- Removing the provisions relating to issuing a license based on equivalency or experience from the initial educator license section and creating a new section for these provisions. As currently written, the rules imply that a license based on equivalency or experience may only be issued as an initial educator license.
- Clarifying that in order to extend an emergency and charter school permit, the applicant must complete at least 6 semester credits or equivalent coursework toward completion of an approved program in the subject or pupil services area of the emergency permit.
- Eliminating throughout the rule the list of “strands” which list specific subject requirements that must be completed in order to receive a license. Instead of listing strands, the rule will refer to the state’s model academic standards which will include the specific subject area requirements. Wisconsin is one of 48 states that have agreed to adopt a common set of standards for various subject areas.
- Clarifying that a program coordinator license is needed for individuals serving as career and technical education program coordinators.
- Clarifying that a person must have a professional educator license before being eligible for an administrator license.
- Clarifying that a person must complete a clinical program to receive a license as a coach, gifted and talented instructor, library media specialist or reading teacher.
- Creating language regarding virtual charter school licenses that mirrors statutory language.
- Updating application provisions and providing additional renewal options relating to educational interpreter deaf and hard of hearing licenses to better reflect current practice.
- Eliminating references to obsolete licenses (education for employment and local vocational education coordinator) that are no longer issued. It should be noted that although new licenses in these areas are no longer issued, any such valid licenses issued prior to the effective date of this rule are still effective and may be renewed.

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

The federal No Child Left Behind (NCLB) Act requires 100 percent of public school teachers to be highly qualified in “core academic subjects” which are defined as English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, music, art, theatre, dance, history and geography.

On June 3, 2008, the department notified all public schools, including charter schools, that in order to be considered highly qualified in the core academic subjects, an individual must 1) hold a valid teaching license in that subject or 2) hold any valid teaching license with a major or minor or passed the Praxis II content exam in the assigned core academic subject. The proposed rule codifies the requirements in that notice and provides a third option that the notice did not – that an individual complete a process authorized by the department that verifies content competencies. Formerly a charter school license was issued based solely on whether the applicant held any kind of teaching license; not subject-matter expertise. As a result, it is quite possible that holders of Wisconsin’s former charter school instructional staff license were not considered highly qualified under the NCLB.

Comparison with rules in adjacent states:

Illinois:

- Common core state standards initiative. Illinois is one of 48 states that have agreed to adopt a common core of state standards for various subject areas.
- Core subject areas. Illinois lists the same core subject areas listed in this rule and further defines “fine arts” as including dance, drama, music and visual arts.

- Charter school teacher requirements in core subject areas. To teach a core subject, teachers must do one of the following: pass a content area test specific to the subject, complete a major or equivalent in the subject, hold a master's or higher degree in a field directly related to the subject, hold a National Board for Professional Teaching Standards (NBPTS) or an Illinois master certificate or qualify under a point system. Teachers in charter schools must either meet the above requirements or hold a bachelor's degree, passed the relevant content-area test in each core subject area of teaching responsibility and meet other requirements of Section 27A-10(c) of the School Code.
- Additional subject area licenses based on taking a test. A teacher can receive an endorsement in a foreign language by taking a test, with no coursework. Currently, a science or social science designation may be added by taking the test only, if the individual currently holds either an old narrow field or a broad field designation.
- License based on experience or equivalency. None.

Iowa:

- Common core state standards initiative. Iowa is one of 48 states that have agreed to adopt a common core of state standards for various subject areas.
- Core subject areas. Iowa defines core content standards as English and language arts, mathematics, science, social studies, and 21st century learning skills. The latter includes civic literacy, health literacy, technology literacy, financial literacy, and employability skills.
- Charter school teacher requirements in core subject areas. Iowa requires the licensure/certification of teachers in charter schools to be identical to those of all other public school teachers.
- Additional subject area licenses based on taking a test. Iowa does not offer state approved exams and requires an individual to finish regionally accredited coursework to add an endorsement.
- License based on experience or equivalency. None.

Michigan:

- Common core state standards initiative. Michigan is one of 48 states that have agreed to adopt a common core of state standards for various subject areas.
- Core subject areas. Michigan defines core academic curriculum content standards as follows: "Recommended model core academic curriculum content standards shall be developed and periodically updated by the state board, shall be in the form of knowledge and skill content standards that are recommended as state standards for adoption by public schools in local curriculum formulation and adoption, and shall be distributed to each school district in the state. The recommended model core academic curriculum content standards shall set forth desired learning objectives in math, science, reading, history, geography, economics, American government, and writing for all children at each stage of schooling and be based upon the "Michigan K-12 program standards of quality" . . .
- Charter school teacher requirements in core subject areas. Michigan considers charter schools to be public schools. Therefore, the same certification laws apply to charters in the same fashion as any other public school. In essence, charter school teachers are required to hold a valid teaching certificate with endorsement in the subjects to which they are assigned to teach.
- Additional subject area licenses based on taking a test. Michigan requires an individual to complete a state approved endorsement program to receive licensure in an additional subject area.
- License based on experience or equivalency. Michigan has a new legislation providing for *alternative route certification*. Prerequisites must be met, including passage of the Michigan Test for Teacher Certification basic skills and content examinations before admission to the alternate route program is granted.

Minnesota:

- Common core state standards initiative. Minnesota is one of 48 states that have agreed to adopt a common core of state standards for various subject areas (except math).
- Core subject areas. Minnesota defines core academic subjects as language arts; mathematics; science; social studies, including history, geography, economics, and government and citizenship; health and physical education; and the arts.
- Charter school teacher requirements in core subject areas. Minnesota requires the licensure/certification of teachers in charter schools to be identical to those of all other public school teachers.

- Additional subject area licenses based on taking a test. Minnesota allows teachers in only the science subjects to get another science license based on taking a state approved test.
- License based on experience or equivalency. Minnesota has an active portfolio review process. Applicants must pay a \$500 fee. Also, applicants must have taught in the area of discipline and demonstrate competency standards.

Summary of factual data and analytical methodologies:

Chapter PI 34 contains the requirements an individual must meet to be licensed as an educator in Wisconsin. It replaced Chapters PI 3 (containing the requirements an individual must meet to be licensed) in 2004 and PI 4 (containing the procedures and standards for approval of professional education programs leading to licensure) in 2000. Chapter PI 34 advanced licensure and educator preparation programs to be standards-based and competency-based rather than credit-based.

Since the passage of Chapter PI 34 ten years ago, changes in teaching, learning, and instructional delivery require further modification to Wisconsin's licensure and educator preparation criteria. Also, modifications need to be made to clarify certain requirements. There is an increasing need for flexibility in licensure to allow rural schools to offer a full range of education offerings to students and allow teachers to more easily obtain licensure in other subjects while meeting the highly qualified teacher provisions under the federal No Child Left Behind Act.

These proposed changes aim to provide more tools to schools and flexibility to educators that at the same time ensure educator quality.

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):

Deborah Mahaffey, Assistant State Superintendent, Division for Academic Excellence, deborah.mahaffey@dpi.wi.gov or 608/266-3361.

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

The administrative rule and fiscal note are available on the internet at <http://dpi.wi.gov/pb/rulespg.html>. A copy of the proposed rule and the fiscal estimate also may be obtained by sending an email request to lori.slauson@dpi.wi.gov or by writing to:

Lori Slauson, Administrative Rules and Federal Grants Coordinator
Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707

Written comments on the proposed rules received by Ms. Slauson at the above mail or email address no later than August 9, 2010, will be given the same consideration as testimony presented at the hearing.

Agency procedure for promulgation:

Notice to Legislative Council pursuant to s. 227.15, Stats., and proceeding under the ten day notice/hearing process pursuant to ss. 227.16 to 227.18, Stats.

Description of any forms (attach copies if available): None.