

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING PERMANENT RULES**

The scope statement for this rule, SS 119-13, was published in Register No. 693, on September 30, 2013, and approved by State Superintendent Tony Evers, on October 14, 2013. Per the Dane County Circuit Court order issued in Coyne, et al. v. Walker, et al., Case No. 11-CV-4573, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope or this rule.

The State Superintendent of Public Instruction hereby repeals PI 34.34(1), (2), and (2m); amends PI 34.33(intro); and creates PI 34.241, PI 34.242, and PI 34.243, relating to charter school teaching licenses.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28(7)(g), Stats.

Statutory authority: s. 115.28(7)(a), Stats.

Explanation of agency authority:

115.28 General duties. The state superintendent shall:

(7) LICENSING OF TEACHERS.

(a) 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; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

Related statute or rule: N/A.

Plain language analysis:

PI 34 governs the issuance of licenses for public school personnel in the State of Wisconsin. This rule change was done to align the rule with newly created law under s. 115.28(7)(g), Stats., regarding the three-year charter license. The following changes were made to PI 34:

- Created the criteria to apply and renew the three year charter school license as newly created under s. 115.28 (7)(g), Stats.
- Added clarifying language to make clear the difference between the newly created three year charter license and the existing charter school instructional license.
- Created the 1-year charter school instructional staff license for already licensed teachers in non-virtual charter schools who are unable to demonstrate their content knowledge in core academic subjects before being hired.
- Removed the reference to the 30 hours of training required to teach online that was removed from statute under 2013 Wisconsin Act 20.

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

Comparison with rules in adjacent states: No information.

Summary of factual data and analytical methodologies:

2013 Wisconsin Act 20 created s. 115.28(7)(g), Stats., which requires the Department of Public Instruction (DPI) to grant a charter school teaching license to any person who has a bachelor's degree and demonstrates, based on criteria established by the DPI, that the person is proficient in the subject or subjects he or she intends to teach. PI 34 will be modified to include the criteria that a person must meet to demonstrate that the person is proficient in the subject or subjects he or she intends to teach.

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

This rule change could impact public schools, including charter schools and educator preparation programs.

Anticipated costs incurred by private sector:

There is not expected to be a cost to the private sector.

Effect on small business:

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

Agency contact person: (including email and telephone)

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

Comments should be submitted to Katie Schumacher, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at Katie.Schumacher@dpi.wi.gov. The department will publish a notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

SECTION 1. PI 34.241, PI 34.242, and PI 34.243 are created to read:

PI 34.241 Charter school instructional staff license.

(1) A charter school instructional staff license may be issued to an applicant who holds a valid life, initial, professional or master educator teaching license issued by the department. The license authorizes an individual to teach any grade or any subject outside the individual's initial, professional or master educator teaching license in a non-virtual charter school.

(a) An applicant assigned to teach any core academic subject, as defined under 20 USC 7801(11), in a non-virtual charter school shall verify one of the following:

1. A major or minor from a regionally-accredited institution in each of the assigned core academic subjects.
2. Passing a content knowledge examination prescribed by the state superintendent in each of the assigned core academic subjects.
3. Demonstrated knowledge and competence in each of the assigned core academic subjects based on an assessment process approved by the state superintendent.

(b) An applicant assigned to teach any subject that is not considered a core academic subject may be eligible for a charter school instructional staff license without verification of criteria listed under par. (a).

(2) The applicant under this section shall submit a complete application, developed by the department, specifying the applicant's qualifications for the license.

Note: An application is available at <http://tepd.dpi.wi.gov/licensing/elo/start> or an applicant can contact the department for assistance.

(3) A charter school instructional staff license shall have the same license term as the applicant's valid initial or professional teaching license. The charter school instructional staff license term for those holding a master educator or life license shall not exceed 5 years.

(4) A one-year charter school instructional staff license may be issued to an applicant who holds a valid teaching license but has not demonstrated content knowledge in a core academic subject area as defined under 20 USC 7801(11). The license may be issued for any assigned grade level and any assigned subject in a non-virtual charter school. To receive this one-year license, a district administrator or designated official of the employing school district or charter school under s. 118.40, Stats., shall request a license on behalf of the applicant following a search for a qualified, licensed individual. This license is renewable for one-year periods if the applicant is making adequate progress toward eligibility for the charter school instructional staff license with verification that he or she has earned 6 semester credits each licensure term toward a content minor in his or her assigned teaching area until such time that one of the criteria under sub. (1) (a) has been completed.

PI 34.242 Three-year charter school teaching license.

(1) An individual who holds a bachelor's degree from a regionally-accredited institution may be eligible to obtain a charter school teaching license to teach in a non-virtual charter school. A charter school teaching license obtained under this section is valid for three years. An applicant shall demonstrate the appropriate level of content knowledge in each of the subjects the applicant is assigned to teach by verifying one of the following:

(a) Completion of a major or minor from a regionally-accredited institution in each of the assigned academic subjects.

(b) Passing a content knowledge examination prescribed by the state superintendent in each of the assigned academic subjects.

(c) Demonstrated knowledge and competence in each of the assigned academic subjects based on an assessment process approved by the state superintendent.

(2) The applicant under this section shall submit a completed application, developed by the department, specifying his or her qualifications for the license.

Note: An application is available at <http://tepd.dpi.wi.gov/licensing/elo/start> or the applicant can contact the department for assistance.

(3) The license is renewable for three-year periods.

PI 34.243 Teaching licenses for educators teaching in a virtual charter school.

An individual assigned to teach in a virtual charter school under s. 118.40 (8) (b) 1., Stats., shall hold a valid life, initial, professional or master educator license in each of the grades and subject areas of that individual's assignment.

SECTION 2. PI 34.33(intro) is amended to read:

PI 34.33 Supplementary categories.

Except as specified under sub. (1) (c), ~~in order~~ to receive a license issued under a supplementary category under this subchapter, an individual shall hold or be eligible to hold a life, initial, professional, or master educator teaching license issued by the department in the appropriate subjects and developmental levels under subch. VII. Licenses under this subchapter may be issued in the following categories:

SECTION 3. PI 34.34(1), (2), and (2m) are repealed.

SECTION 4. EFFECTIVE DATE:

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 _____, 201_

Tony Evers, PhD
State Superintendent