

Report From Agency

**FINAL REPORT
CLEARINGHOUSE RULE 08-044
CHAPTER PI 37
GRANTS FOR NATIONAL TEACHER CERTIFICATION AND MASTER EDUCATOR LICENSURE**

Analysis by the Department of Public Instruction

Statutory authority: Section 115.42 (4), Wis. Stats.

Statute interpreted: Section 115.42, Wis. Stats.

Explanation of agency authority:

Section 115.42 (4), Wis. Stats., requires the department to promulgate rules to implement and administer this program, including all of the following:

- The application process, including necessary documentation.
- The selection process for grant recipients.
- The number of times that a teacher may be exempt from continuing professional education requirements.

Related statute or rule:

Chapter PI 34, Wis. Admin. Code.

Plain language analysis:

There are two ways an individual may receive a grant under the national teacher certification or master educator licensure program under s. 115.42, Stats.:

- Through a national process by obtaining a national certificate issued by the National Board for Professional Teaching Standards (NBPTS).
- Through a state process by completing the Wisconsin master educator assessment process.

Previous language under s. 115.42, Stats., allowed only persons certified through the national process to be awarded grants of up to \$2,000 for the first year and \$2,500 annually for nine years thereafter if certain conditions were met. 2007 Wisconsin Act 20, the biennial budget bill, modified s. 115.42, Stats., to allow persons receiving master educator licenses through the state process to also receive the grants. In addition, the Act provided an incentive to grant recipients to work in high poverty schools. Finally, the Act allows master educators through the state process to be exempt from continuing education requirements as are teachers certified through the national process.

To reflect statutory language, Chapter PI 37, Wis. Admin. Code, relating to Grants for National Teacher Certification, is being modified to: 1) allow master educators that have completed the Wisconsin master educator assessment process to receive a grant under the program, 2) allow master educators receiving licenses through the state process or teachers certified through the national process to receive \$5,000 (rather than \$2,500) if they work in a school in which at least 60 percent of the pupils enrolled are eligible for free or reduced-price lunch, and 3) allow master educators receiving licenses through the state process to be exempt from continuing education requirements.

The rules are also being modified to clarify that:

- The term “teacher” includes school psychologists, school counselors, and school social workers who are not under contract as an administrator.
- A teacher must be working for a minimum of 40 percent full-time equivalency for at least 180 days in a school year to qualify for a grant.
- A teacher may renew his or her 10-year national board certification or Wisconsin master educator license and continue receiving a grant under this program.

The provisions allowing teachers who have completed the state process to receive grants under this program first applies to persons who were licensed as Wisconsin master educators by the department on or after July 1, 2005.

The provision allowing teachers to receive \$5,000, rather than \$2,500, if employed in high poverty districts first applies to persons applying for a grant on or after July 1, 2007.

The provision requiring an applicant to work 40 percent full-time equivalency for at least 180 days in a school year first applies to persons applying for a grant on or after July 1, 2008.

Emergency rules were promulgated effective May 17, 2008, in order to establish the new application criteria and procedures to award grants to eligible applicants in the 2007-08 school year.

Summary of, and comparison with, existing or proposed federal regulations: None.

Comparison with rules in adjacent states:

Michigan and Minnesota - do not have rules relating to grants for national board certified teachers or state certified master educators.

Iowa - As of December 31, 2007, funds will no longer be available to new candidates. However, Iowa did provide a grant program to national board certified teachers (NBCTs) prior to that date. NBCTs that received the grant will be able to complete the 10 year grant process. To be eligible, an applicant must meet all of the following:

- The individual is a national board certified (NBC) teacher.
- The individual is a teacher.
- The individual is employed by a school district in Iowa.
- The individual receives a salary as a classroom teacher.
- The individual completes the application process.
- The individual has not received an NBC annual award for more than ten years.

The initial award is for one-half of the reimbursement fee charged by the NBPTS, or a prorated amount, if funds are not available.

An eligible teacher who received NBC certification prior to May 1, 2000, will receive an annual award of up to \$5,000 or a prorated amount for a period of ten years or until the teacher’s total state annual award amount reaches \$50,000. An eligible teacher who received NBC certification after May 1, 2000 will receive an annual award of up to \$2,500 or a prorated amount for a maximum of ten years. An otherwise eligible teacher who possesses a teaching contract that is less than full-time shall receive an award prorated to reflect the type of contract (i.e. half-time, quarter-time, etc.).

It is unclear as to whether Iowa has a state master educator certification process.

Illinois – Requires persons holding a certificate issued by the NBPTS to apply for a master certificate. Holders of an Illinois master certificate who are employed for no less than the equivalent of half of the school year as a teacher or school counselor in a public school setting are eligible for a \$3,000 stipend. If funding is limited, this amount may be prorated and grant awards may be prioritized. Holders of an Illinois master certificate shall be eligible for an annual incentive payment for each year during which:

- He or she holds a certificate issued by the NBPTS.
- He or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education.
- He or she works no less than the equivalent of half the school year.

Additional incentives are provided for applicants that meet further requirements such as providing at least 60 hours of mentoring to classroom teachers.

Illinois does not have a state master educator certification process.

Summary of factual data and analytical methodologies:

The intent of awarding grants under this program is to encourage teachers to obtain this rigorous certification and use these skills directly with pupils to improve student achievement.

In its 2007-09 biennial budget request, the department requested that the national teacher certification grant program be expanded to allow teachers receiving master educator licenses through the state process to receive the same grants as those teachers receiving licenses through national certification. To address the needs of high poverty schools that have difficulty attracting highly qualified teachers, the department also proposed to double the amount awarded (\$5,000, rather than \$2,500) to persons applying for continuing grants under s. 115.42 (2), Stats., if those persons are employed in a school in which at least 60 percent of the school's pupil population is eligible for free or reduced-price lunch under 42 USC 1758 (b).

To encourage individuals to become state certified master educators, the department created a pilot program for FY06 and FY07 to pay up to \$2,000 to each applicant who successfully completed the process. Applicants that completed the Wisconsin assessment process received a Wisconsin Master Educator License and received an "initial" grant from the department using federal Title II-A, Elementary and Secondary Education Act funds. Because those funds were limited and not available for long-term obligation, these individuals did not receive "continuing" grants of \$2,500. These individuals should be rewarded for participating in the pilot program and receive the \$2,500 (or \$5,000) grant for nine years just as future Wisconsin master educators will receive these funds. Therefore, an initial applicability section was included in the law (and the rule) to clarify the grant program applies to those master educators who were licensed by the department on or after July 1, 2005.

2007 Wisconsin Act 20 included these provisions in the law and the rule is now being modified to reflect those changes.

The rules are also being modified to clarify that:

- A teacher must be working for a minimum of 40 percent full-time equivalency for at least 180 days in a school year to qualify for a grant. This provision will require teachers to be employed as teachers to be eligible to receive a grant.
- The term "teacher" includes school psychologists, school counselors and school social workers who are not administrators. The Wisconsin master educator assessment process offers licensure in areas not currently offered under the NBPTS, including school administration categories and school psychologists, school counselors, and school social workers. The legislature wanted the program to be expanded to "teachers" but not to "school

administration categories.” Because individuals with non-administrative school psychologist, counselor, and social worker licenses directly serve pupils, the department asserts they should be included in the category of teachers for purposes of these grants.

- A teacher may renew his or her 10-year national board certification or Wisconsin master educator license and continue receiving a grant under this program. The certification of first round national board certified teachers will expire next year. This provision will clarify that they may re-apply for grants if they renew their national certification. Subsequent national board certified teachers or Wisconsin master educator licensed teachers would be eligible to receive a grant upon renewal of their certification or license.

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)

Tammy Huth, Assistant Director, Teacher Education, Professional Development and Licensing, (608) 266-1788 or tammy.huth@dpi.wi.gov.

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

The department published a hearing notice in the *Administrative Register* which included this information.

A public hearing to consider the emergency and proposed permanent rule was conducted by the department on July 23, 2008, in Madison. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

Madison Hearing, July 23, 2008

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Ronald Jetty	WEAC	X		

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
None				

Summary of public comments relative to the rule, the agency’s response to those comments, and changes made as a result of those comments:

Comments – The Wisconsin Education Association Council (WEAC) advocated for:

- The definition of “teacher” to include library media specialists.
- The definition of “employed as a teacher” be modified regarding the reference to “working as a teacher for a minimum of 40 percent full-time equivalency for at least 180 days in a school year.” This restriction appears to conflict with the Family and Medical Leave Act and restricts the roles that teachers might play in the overall effort of improving student achievement. For instance, a school district might want to assign a master educator to a teacher leadership position.

Discussion – In response to WEAC’s comments:

- Library media specialists receive grants under this program and are considered teachers because they deliver instruction to pupils and hold teacher licensure under s. PI 34.33 (5m). Wisconsin has NBPTS Library media certified candidates who are already participating in the national teacher grant program in Wisconsin.
- The requirement that the person be employed as a teacher will be verified by the district by completing the employment verification form. As long as the district verifies that the person is employed as a teacher as defined in rule, he or she will receive the grant. A leave granted under FMLA does not per se affect a person’s status as employed as a teacher.

The intent of this grant program is to encourage teachers to obtain this rigorous certification and use these skills directly with pupils to improve student achievement.

Changes –

- *Made as a result of oral or written testimony:* None.
- *Made to the analysis or the fiscal estimate:* None

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code:

- a. Recommendation accepted, changes made.
- b. Recommendation accepted, changes made to s. PI 37.02 (7).

4. Adequacy of References to Related Statutes, Rules and Forms:

Recommendation accepted, the reference to “42 USC 1758 (6)” has been changed to “42 USC 1758 (b)” throughout the rule and the forms.

FINAL REGULATORY FLEXIBILITY ANALYSES

Summary of Final Regulatory Flexibility Analysis:

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

Summary of Comments:

No comments were reported.